

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38494 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NASRIGANJ District- Rohtas

=====

Gandhi Chaudhary Son of Mahendra Chaudhary Resident of village-
Amiawar, P.s.- Nasriganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umeshanand Pandit, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Nasriganj P.S. Case No. 45 of 2022 lodged under Section 379 of
the I.P.C. subsequently added 409, 406, 411 120(B) of I.P.C.

As per the prosecution case, on the basis of allegation
of theft the present case has been filed but subsequently other
Sections has been added and charge sheet has been filed in this
case under Sections 409, 406, 411, 120(B) of the I.P.C. also.

Learned counsel for the petitioner submits that the
allegation of theft has been made against the petitioner. He
submits that he is not named in the F.I.R. Nothing was

recovered from his possession. He submits that his name has come in this case by virtue of the confessional statement of the co-accused. He further submits that he is in custody since 31.05.2022, charge sheet has already been filed in this case but having 18 criminal antecedents.

Learned counsel for the petitioner submits that his antecedent may be bad but in the present case there is no material against him. He further submits that 2 other co-accused persons have been granted bail by this Court vide order dated 23.09.2022 passed in Cr. Misc. No. 37656 of 2022 with Cr. Misc. No. 37901 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that there are in total 18 cases pending against the petitioner.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bikramganj, District - Rohtas in connection with Nasriganj P.S. Case No. 45 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 19 criminal cases (including the present one) are pending against the petitioner, out of 19 cases following cases are belongs to the District and Session Judge Rohtas at Sasaram which are as follows:

- i. Nasriganj P.S. Case No. 48 of 2022 lodged under Section 30(A) of Bihar Prohibition and Excise Act.
- ii. Nasriganj P.S. Case No. 70 of 2021 lodged under Sections 379, 411, 420/34 of I.P.C. read with Section

56(1), 56(2) of Bihar Mines Act, 2019 and Environmental Act, 1986.

iii. Nasriganj P.S. Case No. 71 of 2021 lodged under Sections 147, 149, 504, 506 of I.P.C.

iv. Nasriganj P.S. Case no. 109 of 2021 lodged under Sections 341, 323, 354, 379/34 of I.P.C.

v. Nasriganj P.S. Case No. 175 of 2021 lodged under Sections 188/178(H) of I.P.C.

vi. Nasriganj P.S. Case No. 81 of 2019 lodged under Sections 25(1-b)a/26/35 of Arms Act.

vii. Dihri SC/ST P.S. Case no. 87 of 2020 lodged under Sections 147, 149, 341, 323, 385, 504, 506 of I.P.C. read with Sections 3(1)(r)(s) SC/ST Act.

viii. Haspura P.S. Case No. 07 of 2016 lodged under Section 392 of I.P.C.

ix. Karakat P.S. Case No. 129 of 2010 lodged under Section 394 of I.P.C.

x. Darihat P.S. Case No. 49 of 2010 lodged under Section 395 of I.P.C.

xi. Dihari Town P.S. Case No. 447 of 2010 lodged under Sections 399, 402, 414 of I.P.C.

xii. Dihari Town P.S. Case no. 448 of 2010 lodged

under Sections 25(1-B)a/26/35 of Arms Act.

xiii. Sasaram (Muffasil) P.S. Case No. 239 of 2017 lodged under Sections 379, 414/34 of I.P.C. read with Sections 25(1-B)a/26 Arms Act.

xiv. Sasaram (Muffasil) P.S. Case No. 97 of 2017 lodged under Section 394 of I.P.C.

xv. Nasriganj P.S. Case No. 126 of 2021 lodged under Sections 379, 411, 420 of I.P.C. read with Section 11/39/56 of M.C.C. Act (Mines Act).

xvi. Nasriganj P.S. Case No. 45 of 2022 lodged under Section 379 of I.P.C., subsequently added 409, 406, 411/120(B) of I.P.C. (present case).

Let the District and Session Judge Rohtas at Sasaram is directed to do the needful so that all the criminal cases pending against the petitioner which are magisterial triable or sessions triable prior to commitment shall run before one Magistrate with one date and all cases which are sessions triable after commitment shall run before one Session Court with one date. The special cases shall run before the Special Court.

Let the copy of this order is communicated to the District and Session Judge Rohtas at Sasaram for information and necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--