

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37630 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- SIKARPUR District- West Champaran

Imtiaz Alam S/o Late Salim Mian Resident of Village- Mahnakuli, P.S.-
Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-09-2022 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 through virtual mode.

The petitioner seeks regular bail in connection with
Shikarpur P.S. Case No. 85 of 2021 lodged under Section 392 of
the I.P.C.

As per the prosecution case, the allegation of robbery
is there in the F.I.R. against unknown accused persons.

Learned counsel for the petitioner submits that his
name has figured in this case by virtue of the confessional
statement of the co-accused. He further submits that nothing
incriminating has been recovered from his possession nor he
was put on T.I.P. Learned counsel further submits that he is in

custody since 13.04.2021, charge sheet has already been filed in this case. On the point of his criminal antecedent, learned counsel for the petitioner submits that there are 7 cases pending against him, in some cases he is on bail.

Learned counsel for the State opposes the prayer for bail.

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 C.J.M. Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 85 of 2021, 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 8 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge West Champaran at Bettiah which are as follows:

- i. Chanpatia (Kumar Bagh O.P.) P.S. Case No. 113 of 2021 lodged under Section 394 of I.P.C.
- ii. Bettiah Town (Kalibagh O.P.) P.S. Case No. 137 of 2021 lodged under Sections 413, 414 of I.P.C. read with Sections 25(1-B)a, 26/35 of Arms Act.
- iii. Bettiah Mufassil P.S. Case No. 83 of 2021 lodged under Sections 394 of I.P.C.
- iv. Chanpatiya (Kumar Bagh O.P.) P.S. Case no. 89 of 2021 lodged under Section 379 of I.P.C.
- v. Chanpatiya (Kumar Bagh O.P.) P.S. Case No. 121 of 2021 lodged under Sections 25(1-B)a, 26/35 of Arms Act.

vi. Lauriya P.S. Case No. 28 of 2021 lodged under
Section 392 of I.P.C.

vii. Lauriya P.S. Case no. 40 of 2021 lodged under
Sections 393, 307 of I.P.C.

viii. Shikarpur P.S. Case No. 85 of 2021 lodged
under Section 392 of I.P.C. (present case).

Let the District and Session Judge West Champaran at
Bettiah is directed to do the needful so that all the magisterial
triable cases or sessions triable cases prior to commitment shall
run before one Magistrate with one date and all sessions triable
cases after commitment shall run before one Session Court with
one date.

Let the copy of this order is communicated to the
District and Session Judge West Champaran at Bettiah for
perusal and necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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