

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38802 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- MUFFASIL District- West Champaran

Rohit Kumar @ Rohit Kumar Rai Son of Madhusudhn Ray @ Madhusudan Rai Resident of Village - Malkauli, P.S.- Chanpatia (Kumarbagh O.P.), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 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 Bettiah Muffasil P.S. Case No. 83 of 2021 lodged under Section 394 of the I.P.C.

As per the prosecution case, the F.I.R. has been lodged against 3 unknown persons and one motorcycle, about snatching of motorcycle of the informant. The informant has claimed to identify the accused persons.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R., his name has come in the

F.I.R. by virtue of confessional statement of the co-accused. Learned counsel for the petitioner further submits that he is in custody since 09.07.2021. Charge sheet has already been filed in this case. He further submits that nothing incriminating has been recovered from his possession nor he was put on T.I.P. Learned counsel for the petitioner further submits that there are 5 criminal cases pending against him and he is on bail in all the 5 cases.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is accused in 5 criminal cases, all are either of Arms Act or of robbery.

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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No. 83 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 6 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, West Champaran at Bettiah which are as follows:

- i. Bettiah Town Kalibagh P.S. Case No. 137 of 2021
- ii. Chanpatiya Kumarbagh O.P. P.S. Case No. 121 of 2021
- iii. Shikarpur P.S. Case No. 85 of 2021
- iv. Chanpatiya Kumarbagh O.P. P.S. Case no. 89 of 2021
- v. Lauriya P.S. Case No. 28 of 2021

vi. Bettiah Muffasil P.S. Case No. 83 of 2021
(present case).

Let the District and Sessions 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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