

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48443 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- ALIPUR District- Gaya

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Ravi Kumar @ Raghuvir Son of Rajendra Yadav, Resident of Village -
Devariya, P.S. and Dist.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

6 27-09-2022 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.

The petitioner seeks regular bail in connection with
Alipur P.S. Case No. 37 of 2020, lodged under Sections
302/120(b) of the Indian Penal Code read with Section 27 of
Arms Act.

As per the prosecution case, it has been alleged that
the father of informant was on duty at the quarantine center in
the local school, he received a phone call and, thereafter, he has
gone outside and not returned. Later on, dead body of the father
of informant was found and he has suspected that some
unknown persons killed his father. The F.I.R. was also filed

against unknown persons.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R., his named has figured in this case by virtue of confessional statement of co-accused Pintu @ Pappu Yadav. Learned counsel for the petitioner further submits that petitioner is in custody since 13.11.2020, charge sheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that there are in total 14 criminal cases pending against the petitioner and in all the cases he is on bail. He further submits that the said Pintu @ Pappu Yadav on whose confessional statement the name of petitioner has figured has been granted bail by the Co-ordinate Bench of this Court vide order dated 19.09.2022 passed in Cr. Misc. No. 57462 of 2021. It has also been submitted by the learned counsel for the petitioner that the other co-accused namely Arvind Kumar has also been granted bail by the Co-ordinate Bench of this Court vide order dated 20.05.2021 passed in Cr. Misc. No.1962 of 2021.

Learned counsel for the State opposes the prayer for bail and submits about the criminal antecedent of 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 Additional Chief Judicial Magistrate-II, Gaya in connection with Alipur P.S. Case No. 37 of 2020, 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. From the record it transpires that, there are 15 criminal cases pending against the petitioner (including present one) and all

cases belongs to District and Sessions Judge, Jehanabad. The chart of all those cases are as follows :-

1. Jehanabad P.S. Case No. 210/2009 for offence U/s 337/323/34 of IPC.

2. Jehanabad P.S. Case No. 678/2010 for offence U/s 307 of IPC read with Section 3/4 of Explosive Substance Act.

3. Jehanabad P.S. Case No. 16/2012 for offence U/s 302 of IPC.

4. Jehanabad P.S. Case No. 394/2013 for offence U/s 392 of IPC.

5. Jehanabad P.S. Case No. 160/2015 for offence U/s 414 of IPC.

6. Jehanabad P.S. Case No. 273/2015 for offence U/s 420/384/379/34 of IPC.

7. Jehanabad P.S. Case No. 803/2017 for offence U/s 414 of IPC read with Section 25(1-B), 26/35 of Arms Act.

8. Jehanabad P.S. Case No. 460/2009 for offence U/s 379 of IPC.

9. Jehanabad P.S. Case No. 07/2012 for offence U/s 402/499 of IPC read with Section 25 of Arms Act.

10. Kako P.S. Case No. 95/2015 for offence U/s 379 of IPC.

11. Jehanabad P.S. Case No. 266/2015 for offence U/s 147, 148, 427, 435, 283, 120(B), 353, 298, 337, 323, 153(A) of IPC.

12. Jehanabad P.S. Case No. 338/2011 for offence U/s 414 of IPC.

13. Jehanabad P.S. Case No. 719/2018 for offence U/s 341, 323, 324, 325, 385, 379, 504/34 of IPC.

14. Makhdumpur P.S. Case No. 297/2013 for offence U/s 379, 120(B)/34 of IPC.

15. Alipur P.S. Case No. 37/2020 for offence U/s 302/120(b) of IPC read with Section 27 of Arms Act.

The District and Sessions Judge, Jehanabad is directed to do the needful so that all magisterial triable cases and 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 Sessions Court with one date.

Let a copy of this order is communicated to District and Sessions Judge, Jehanabad for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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