

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49848 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- AURAI District- Muzaffarpur

Sikram Kumar Sahni S/o Kapal Sahni Resident of Village- Kharka Basant,
P.S.- Jale, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

9 27-09-2022 Let the defect, 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
Anurai P.S. Case No. 191 of 2020 lodged under Sections 199,
402 of the I.P.C. and 25 (I-b)a/26 of the Arms Act and 8, 80, 22,
25 and 29 of N.D.P.S. Act.

Prior to start of argument, learned counsel for the
petitioner submits that his counter affidavit may be accepted by
which he intimated the Court that there are 6 criminal
antecedent of the petitioner.

Learned counsel for the petitioner submits that upon
secret information police has made raid and only one persons

apprehended named Sunil Kumar from whose possession N.D.P.S. material as well as arms were recovered.

Learned counsel for the petitioner submits name of the petitioner has been figured in this case by the virtue of confessional statement of Sunil Kumar. He further submits that Petitioner has not been apprehended from the place of occurrence. It has been submitted that petitioner is in custody since 15.10.2020 and on the point of criminal antecedent there are in total 6 criminal cases pending against the petitioner and in some cases the petitioner is on bail and in some cases he is persuading for bail. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that it is true that the petitioner has not been apprehended in this case but it is also true that there are criminal antecedent of the present petitioner and he is also accused in one case of N.D.P.S.

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 Sessions Judge Cum Special Judge,

Muzaffarpur in connection with Aurai P.S. Case No. 191 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.

With this observation, the bail application stands allowed.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 7 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Muzaffarpur which are as follows:

- i. Anurai P.S. Case No. 192 of 2020
- ii. Ahiyapur P.S. Case No. 713 of 2020
- iii. Anurai P.S. Case No. 101 of 2020
- iv. Anurai P.S. Case no. 39 of 2020
- v. Anurai P.S. Case No. 38 of 2020
- vi. Ahiyapur P.S. Case No. 692 of 2020
- vii. Anurai P.S. Case No. 191 of 2020

Let the District and Sessions Judge, Muzaffarpur is directed to do the needful so that all the 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, the session triable cases shall run before one Session Court with one date.

Let the copy of this order is communicated to the District and Sessions Judge, Muzaffarpur for perusal and necessary compliance.

(Dr. Anshuman, J.)

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