

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42204 of 2022**

Arising Out of PS. Case No.-36 Year-2022 Thana- KUMAR KHAND District- Madhepura

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Baua Yadav @ Shashi Kumar S/o Sita Ram Yadav, R/o village- Rampatti,  
Ward No. 07, P.S.- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore (APP100).

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

2      05-12-2022                      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  
Kumarkhand P.S. Case No. 36 of 2022, lodged under Section  
395 of the Indian Penal Code.

As per prosecution case, the allegation of *dacoity* is  
against 5 unknown accused persons in the Bihar Gramin Bank.

Learned counsel for the petitioner submits that this  
case has been filed against unknown and the name of petitioner  
has figured in this case by virtue of confessional statement of  
the co-accused. He further submits that nothing incriminating  
has been recovered from the possession of petitioner and he was

not put on T.I.P. He also submits that petitioner is in custody since 22.03.2022, charge sheet has already been filed in this case and there are 3 criminal cases pending against the petitioner, in which he is on bail in 1 case and in 2 cases, he is persuading for bail. He further submits that other co-accused person of this case has already been granted bail by this Court vide order dated 19.09.2022 passed in Cr. Misc. No. 35794 of 2022.

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 Additional Chief Judicial Magistrate-II, Madhepura in connection with Kumarkhand P.S. Case No. 36 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 an 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 4 criminal cases pending against the present petitioner and all cases belongs to District and Sessions Judge, Madhepura. The chart of all those cases are as follows :-

1. Kumarkhand P.S. Case No. 331/2021.
2. Kumarkhand P.S. Case No. 332/2021.
3. Kumarkhand P.S. Case No. 295/2021.
4. Kumarkhand P.S. Case No. 36/2022.

The District and Sessions Judge, Madhepura 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, Madhepura for information and necessary compliance.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

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