

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57632 of 2021

Arising Out of PS. Case No.-454 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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Bechan Kumar Paswan @ Bechan Paswan S/o Prakash Paswan @ Prakash
Kumar Paswan, R/o Garhiya Baluwa, P.S-K. Nagar, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.
For the Opposite Party/s : Mr. Nand Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 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 K.
Nagar P.S. Case No. 454 of 2019, lodged under Section 392 of
the Indian Penal Code.

As per prosecution case, the allegation of robbery was
alleged to be made against unknown accused persons is there in
the F.I.R. Informant has claimed that he shall identify the
accused.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence, rather he

has been remanded in the present case. He further submits that the nothing incriminating has been recovered from the possession of petitioner, nor he was put on TIP. Learned counsel for the petitioner further submits that petitioner is in custody since 24.02.2020, charge sheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that petitioner was initially arrested in K. Nagar P.S. Case No.26 of 2020 for the first time and, thereafter, Police has remanded him in all other cases later on.

Learned counsel for the State opposes the prayer for bail and submits that in page no.24 of case diary it comes that, a *desi katta* is alleged to be recovered from the possession 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 Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 454 of 2019, 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 records of the case, it transpires that there are in total 11 criminal cases (including the present one) are pending against the present petitioner and all cases belongs to District and Sessions Judge, Purnea. The chart of all those cases are as follows :-

1. K. Nagar P.S. Case No. 439/2019 for offence U/s 392 of IPC.

2. K. Nagar P.S. Case No. 377/2019 for offence U/s 392 of IPC.

3. K. Nagar P.S. Case No. 385/2019 for offence U/s 392 of IPC.

4. K. Nagar P.S. Case No. 516/2019 for offence U/s 392 of IPC.

5. K. Nagar P.S. Case No. 6/2020 for offence U/s 392 of IPC.

6. K. Nagar P.S. Case No. 333/2019 for offence U/s 392 of IPC.

7. K. Nagar P.S. Case No. 491/2019 for offence U/s 356, 379 of IPC.

8. K. Nagar P.S. Case No. 03/2020 for offence U/s 356, 379 of IPC.

9. K. Nagar P.S. Case No. 39/2020 for offence U/s 395 of IPC.

10. K. Nagar P.S. Case No. 26/2020 for offence U/s 414 of IPC read with Section 25(1-b)a and 26 of Arms Act.

11. K. Nagar P.S. Case No. 454/2019 for offence U/s 392 of IPC.

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

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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