

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58616 of 2021

Arising Out of PS. Case No.-176 Year-2021 Thana- AMNAUR District- Saran

=====

Ajay Tiwary @ Ajay Tiwari Son of Sarikhan Tiwary, Resident of Village -
Gausi, P.S.- Amnour, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 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
Amnour P.S. Case No. 176 of 2021, lodged under Sections 307,
504, 506, 290, 354 of the Indian Penal Code read with Section
37(b), (c) of Bihar Excise Act.

As per prosecution case, the accused has called the
son of informant at his house and thereafter assaulted him
brutally.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 19.07.2021, having 4

criminal antecedents, in which he is already on bail. Learned counsel for the petitioner further submits that petitioner is ready to fulfill all the conditions whatever, shall be imposed upon him by the Court. He further submits that all the injuries as alleged are simple in nature.

Learned counsel for the State opposes the prayer for bail but submits that as per case diary, it transpires that all the injuries upon the alleged victim are simple in nature.

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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Amnour P.S. Case No. 176 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. From the records, it transpires that there are in total 5 criminal cases (including the present one) pending against the present petitioner and all cases belongs to District and Sessions Judge, Saran at Chapra. The chart of all those cases are as follows :-

1. Amnour P.S. Case No. 41/2020 for offence U/s 341, 323, 354, 504 of IPC read with Section 27(c) of Excise Act.
2. Amnour P.S. Case No. 369/2019 for offence U/s 341, 323, 354, 379, 504, 506, 341 of IPC.
3. Amnour P.S. Case No. 400/2020 for offence U/s 341, 323, 504, 506 of IPC read with Section 37(c) of Bihar Excise Act.
4. Amnour P.S. Case No. 396/2020 for offence U/s 341, 323, 324, 504, 506 of IPC.
5. Amnour P.S. Case No. 176/2021 for offence U/s

307, 504, 506, 290, 354 of IPC read with Section 37(b), (c) of Bihar Excise Act.

The District and Sessions Judge, Saran at Chapra 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, Saran at Chapra for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ritik/-

U		T	
---	--	---	--