

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61354 of 2021

Arising Out of PS. Case No.-52 Year-2013 Thana- GORIAKOTHI District- Siwan

Santosh Nut Son of Ramayan Nut Resident of Village- Surtapur (Sultanpur),
P.S.- Jamo Bazar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 29-09-2022 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
Goreakothi P.S. Case No. 52 of 2013 lodged under Section 395
of the I.P.C.

As per the prosecution case, the allegation of dacoity
is there in the F.I.R. against 12-13 unknown criminals.

Learned counsel for the petitioner submits that the
name of petitioner has not figured in the F.I.R. and at
subsequent stage, his name has figured in this case by virtue of
the confessional statement of the co-accused. He further submits
that nothing incriminating has recovered from his possession

nor he was put on T.I.P. On the point of his criminal antecedent, he submits that there are 5 criminal cases pending against the present petitioner and he is on bail in all 5 cases. Learned counsel further submits that petitioner is in custody since 10.08.2021, charge has already been framed in this case on 11.04.2022.

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-XIII, Siwan in connection with Goreakothi P.S. Case No. 52 of 2013, 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. It transpires from the record that there are in total 6 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Siwan which are as follows:

- i. Badahia P.S. Case No. 126 of 2009 lodged under Section 395 of I.P.C.
- ii. Mairwa P.S. Case No. 100 of 2009 lodged under Sections 395, 397 of I.P.C.
- iii. Mairwa P.S. Case No. 101 of 2009 lodged under Sections 25(1-b)a, 26, 35 of I.P.C.
- iv. G.B. Nagar P.S. Case No. 10 of 2015 lodged under Section 395 of I.P.C.
- v. Goreakothi P.S. Case No. 211 of 2012 lodged under Section 395 of I.P.C.

vi. Goreakothi P.S. Case No. 52 of 2013 lodged under Section 395 of I.P.C. (present case).

Let the District and Session Judge Siwan is directed to do the needful so that all the 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 Session Court with one date.

Let the copy of this order is communicated to the District and Session Judge Siwan for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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