

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65914 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- PASRAHA District- Khagaria

Mithun Kumar S/o Kishor Mandal Resident of Village - Mirganj, P.S. - Gogri,
District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 12-10-2022 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
Pasraha P.S. Case No. 84 of 2021, lodged under Section 392 of
the Indian Penal Code.

As per prosecution case, the allegation of robbery is
against 4 unknown accused persons is there in the F.I.R.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that nothing incriminating has been recovered from the
possession of petitioner nor he was not put on T.I.P. Learned
counsel for the petitioner further submits that name of petitioner

has figured in this case by virtue of self confessional statement before the Police. He further submits that the alleged robbed material has been recovered from the possession of accused persons namely Abhay Kumar and Abhishek Yadav @ Bateshwar Yadav. Learned counsel for the petitioner further submits that petitioner is in custody since 31.07.2021, charge sheet has already been filed in this case. He further submits that there are 2 criminal antecedents of petitioner but he is on bail in both the cases.

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-IV, Khagaria in connection with Pasraha P.S. Case No. 84 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. Admittedly, there are 3 criminal cases pending against the petitioner including the present one and all cases belongs to District and Sessions Judge, Khagaria. The chart of all those cases are as follows :-

1. Gogri P.S. Case No. 278/2021.
2. Gogri P.S. Case No. 366/2020.
3. Pasraha P.S. Case No. 84/2021.

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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