

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65913 of 2021

Arising Out of PS. Case No.-231 Year-2021 Thana- BIHIA District- Bhojpur

Chhotu Yadav S/o Sheo Bali Yadav @ Harendra Yadav Resident of Village -
Jamuaon, P.S. - Bihia, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pranav Kumar, 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
Bihia P.S. Case No. 231 of 2021, lodged under Sections
341/323/354/354A/354B/379 and 506 of the Indian Penal Code.

As per prosecution case, the informant has alleged
that at the evening on 14.06.2021 at 8 pm when she was going
to attend nature's call, the petitioner tried to commit wrong with
her and torn her blouse, thereafter, snatched her *Mangalsutra*
and fled away.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that petitioner and informant both belong to same village. He also submits that from the F.I.R. it transpires that, the date and time of occurrence is 14.06.2021 whereas the informant side itself took illegal action, confined the petitioner and brought him to the Police Station as such for the event of 14.06.2021 the case has been lodged on 15.06.2021 whereas the distance between the place of occurrence and Police Station is just 3 k.m. Learned counsel for the petitioner further submits that petitioner is in custody since 16.06.2021, charge sheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that 8 criminal cases is pending against the petitioner and in all the cases he is on bail and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

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-I, Bhojpur at Ara in connection with Bihia P.S. Case No. 231 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 9 criminal cases pending against the petitioner including the present one and out of 9 case, 8 cases belongs to District and Sessions Judge, Bhojpur at Ara. The chart of all those cases are as follows :-

1. Bihiya P.S. Case No. 153/2015.

2. Bihiya P.S. Case No. 248/2015.

3. Bihiya P.S. Case No. 256/2015.
4. Bihiya P.S. Case No. 47/2016.
5. Bihiya P.S. Case No. 53/2016.
6. Bihiya P.S. Case No. 337/2016.
7. Bihiya P.S. Case No. 317/2017.
8. Bihiya P.S. Case No. 231/2021.

The District and Sessions Judge, Bhojpur at Ara 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, Bhojpur at Ara for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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