

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72066 of 2021

Arising Out of PS. Case No.-154 Year-2021 Thana- PATLIPUTRA District- Patna

ANIL KUMAR SAHANI @ VICKY S/o Kapil Sahani, Resident of
Laxminiya, P.S.- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 17-10-2022 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
Patliputra P.S. Case No. 154 of 2021 lodged under Sections 399
and 402 of the Indian Penal Code read with Section 25(1-b)a, 26
and 35 of the Arms Act.

As per prosecution, the police has made raid in which
5 named accused persons were apprehended as they were
planning to commit *dacoity*. The recovery against the present
petitioner is one pistol and 5 live cartridges.

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

submits that the seizure list is full of defect and compliance of section 100 of Cr.P.C. has not been made in this case. He further submits that petitioner is in custody since 14.03.2021 and charge sheet has already been filed in this case. On the point that the petitioner's antecedent is clean, learned counsel submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He also submits that in 4 cases petitioner is on bail and in rest case, he is persuading for bail.

Learned counsel for the State opposes the prayer for bail and submits that charge sheet has been filed in this case and accused persons were caught preparing planning to commit robbery.

In the present facts and circumstances of the 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 Sub- Judge-X, Patna in connection with Patliputra P.S. Case No. 154 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 an 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 6 criminal cases pending against the present petitioner (including present one) and all the 6 cases belong to the District Sessions Judge, Patna which are as follows :-

1. Patliputra P.S. Case No. 476 of 2020,
2. Digha P.S. Case No. 37 of 2021,
3. Patliputra P.S. Case No. 58 of 2021,
4. Patliputra P.S. Case No. 69 of 2021,
5. Shastri Nagar P.S. Case No. 56 of 2021,
6. Patliputra P.S. Case No. 154 of 2021.

Let the District and Sessions Judge, Patna is directed to do the needful, so that all the cases which are magisterial triable or sessions triable prior to commitment shall run before one Magistrate with one date and the cases which are sessions triable after commitment shall run before one session court with one date and special cases, if any, shall run before the Special Court with one date.

Let the copy of this order be communicated to the District and Sessions Judge, Patna for his perusal and necessary compliance.

With these observations, the bail application stands allowed.

(Dr. Anshuman, J.)

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