

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72203 of 2021**

Arising Out of PS. Case No.-37 Year-2020 Thana- BARUN District- Aurangabad

Ashok Sao @ Ashok Sav S/O Shivpujan Sao Resident of Kaliquater Station
Road, Dehri, P.S.- Dehri, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, 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
Barun P.S. Case No. 37 of 2020 lodged under Section 379 of the
I.P.C.

As per the prosecution case, the case of theft has been
lodged against unknown criminals.

Learned counsel for the petitioner submits that he is
innocent and has committed no offence. He submits that nothing
has been recovered from the possession of the petitioner nor he
was put on T.I.P. He further submits that petitioner is in custody
since 17.07.2021 having 4 cases pending against him which is

of similar nature and he is on bail in all the cases.

Learned counsel for the State opposes the prayer for bail and submits that there are confessional statements against the petitioner by the co-accused and subsequently in his confessional statement he has also disclosed that he has sold the motorcycle to someone but it is also true that the said motorcycle was not recovered by the police as per the case diary.

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 Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 37 of 2020, 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 record that there are in total 5 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Aurangabad which are as follows:

- i. Barun P.S. Case No. 38 of 2020 lodged under Section 394 of I.P.C.
- ii. Barun P.S. Case No. 49 of 2020 lodged under Sections 394, 395 of I.P.C.
- iii. Barun P.S. Case No. 53 of 2020 lodged under Sections 25(1-a)b, 26, 35 of Arms Act.
- iv. Barun P.S. Case No. 283 of 2019 lodged under Section 392 of I.P.C.
- v. Barun P.S. Case No. 37 of 2020 lodged under Section 379 of I.P.C. (present case).

Let the District and Session Judge Aurangabad 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 Aurangabad for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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