

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63948 of 2023**

Arising Out of PS. Case No.-533 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Aditya Raj @ CHHOTU Son Of Santosh Kumar Sahni R/O Village - Sarsai,  
P.S.- Sarai, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar+

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      06-12-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Hajipur Sadar P.S. Case No. 533 of 2023, lodged on 10.07.2023  
under Sections 394, 307 of the Indian Penal Code read with  
section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been  
lodged against 2 unknown accused persons about committing  
robbery and attempt to murder by arms.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. Counsel  
also submits that the name of the petitioner has been figured in  
this case only by virtue of confessional statement of the  
petitioner himself and the recovery of two bullets from the place



of incident and Rs. 5,000/- recovered from the possession of the petitioner. Counsel further submits that antecedent of the petitioner is not clean and he is in custody since 11.07.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and there are five criminal cases pending against him and recovery of looted Rs. 5,000/- has been made from the possession of the petitioner. Counsel also submits that at the time of consideration of the bail of the petitioner, his criminal antecedent may be taken into consideration.

6. Upon specific query from the Court from the counsel for the petitioner that whether charge has been framed or not, he submits that as per his knowledge, charge has not been framed in this case. It transpires to this Court that there are five criminal cases pending against the petitioner and out of those five cases, three cases are of Hajipur Sadar P.S. and two cases are of other P.S. The details are as follows:-

I. Hajipur Sadar P.S. Case No. 604/18 u/s 30(a) of Bihar Prohibition and Excise Act in which he is on bail.

II. Hajipur Sadar P.S. Case No. 839/22 u/s 392 of the IPC in which he is on bail.

III. Hajipur Sadar P.S. Case No. 972/22 u/s 399, 402



of the IPC and section 25(1-b)a, 26, 35 of Arms Act in which he is on bail.

IV. Industrial Area, P.S. Case No. 44/18 u/s 414/34 of the IPC in which he is on bail.

V. Sarai P.S. Case No. 332/22 u/s 392 of the IPC in which he is on bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **but only after framing of charge** 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, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 533 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. The speedy trial is the constitutional vision of justice. Therefore, the District and Sessions Judge, Hajipur is directed to do the needful so that trial of all cases relating to magisterial nature shall run before one Magistrate and all sessions triable cases shall run before one Sessions Court and petitioner shall be released upon showing proof of charge framing in all cases.

**(Dr. Anshuman, J.)**

Divyansh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

