

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64183 of 2023

Arising Out of PS. Case No.-30 Year-2021 Thana- SHANKARPUR District- Madhepura

Guddu Yadav Son Of Pramod Yadav Resident Of Village - Raybhir, P.S. -
Shankarpur, District - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Ranjan, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Shankarpur P.S. Case No.30/2021, lodged on 09.03.2021 under
Sections 394 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per the prosecution case, the FIR has been
lodged against three unknown accused persons with an
allegation of snatching a mobile phone, a motorcycle, cash, and
other articles. The accused persons also resorted fire on the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is in custody since 12.07.2021. The name of the



petitioner has figured in this case at the instance of the police only due to the reason that the antecedent of the petitioner is not clean, as he is accused in 11 more criminal cases, but in all the cases, he has been granted bail. No incriminating article has been recovered from the conscious possession of the petitioner nor the petitioner has been put on the Test Identification Parade. The chargesheet has already been filed.

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 a total of 11 cases are pending against him and all the cases belong to the Madhepura district.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on 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 ACJM-1, Madhepura, in connection with Shankarpur P.S. Case No.30/2021, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) One of the bailors should be the family member of the petitioner who shall provide an 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; threaten 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.

7. Speedy trial is the constitutional vision of the justice delivery system. It transpires to this Court that a total of 12 criminal cases are pending against the petitioner, as under: -

- i) Shankarpur P.S. Case No.70 of 2021.
- ii) Shankarpur P.S. Case No.17 of 2018.
- iii) Shankarpur P.S. Case No. 41 of 2021.
- iv) Shankarpur P.S. Case No. 75 of 2017.
- v) Shankarpur P.S. Case No. 42 of 2021.
- vi) Shankarpur P.S. Case No. 53/2021.



vii) Shankarpur P.S. Case No. 152/2020.

viii) Shankarpur P.S. Case No. 14 of 2018.

ix) Singheshwar P.S. Case No. 32 of 2021.

x) Bhatni O.P. (Madhepura) P.S. Case No. 119 of 2021.

xi) Shankarpur P.S. Case No. 368/2020.

8. The District and Sessions Judge, Madhepura is directed to do the needful so that all the cases pending against the petitioner triable by a Magistrate and Sessions Judge (prior to commitment) shall run before one Magistrate, and after commitment, all the cases triable by a Sessions Judge shall run before one Sessions Court.

(Dr. Anshuman, J)

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