

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64224 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- KOTHI District- Gaya

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ZISHAN KHAN son of Aftab Alam @ Aftab Alam Khan Village- Gangati Ps-
Kothi Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv

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

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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
Kothi P.S. Case No. 50/2023 registered on 11.05.2023 lodged
under Sections 392 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against two unknown named accused persons excluding the
petitioner.

4. Counsel for the petitioner submits that name of the
petitioner has been figured in this case by the virtue of
confessional statement of the co-accused.

5. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner
is in custody since 05.07.2023 having two criminal case



pending against him, in which he is on bail. He further submits that nothing incriminating has been recovered from the petitioner nor he was put on T.I.P. He further submits that the present case is triable by Magistrate.

6. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean. Therefore, at the time of consideration of bail, this aspect must be taken.

7. 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 J.M. 1st Class, Sherghati, Gaya in connection with in connection with Kothi P.S. Case No. 50/2023, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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. Upon perusal of records, it transpires that three criminal case pending against the petitioner relating to same police station.

1. Kothis P.S. Case No. 32/2017.

2. Kothis P.S. Case No. 22/2023.

3. Kothi P.S. Case No. 50/2023

9. Speedy trial is constitutional vision of justice and with a view to fulfill that reason of the constitution. It is directed to District and Sessions Judge, Sherghati, Gaya to do the needful so that all the cases which is of same police station triable by Magistrate shall run before the Magistrate and if triable by Sessions Judge shall run before one Sessions Court.



8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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