

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66662 of 2023

Arising Out of PS. Case No.-167 Year-2021 Thana- KUMAR KHAND District- Madhepura

Md. Kalim @ Kalam @ Kalim @ Kalam, Son Of Md. Jamruddin @ Jamruhin
Resident Of Village - Pokhariya Tola, Police Station - Srinagar, District -
Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

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
Kumarkhand P.S. Case No. 167 of 2021, lodged on 14.06.2021
under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 4 unknown accused persons against whom the
allegation is that they looted Rs.26,000/- from the informant.

4. Learned counsel for the petitioner submits that
nothing incriminating has been recovered from the possession of
the petitioner nor he was put on T.I.P. Counsel also submits that
the name of the petitioner has been figured in this case only by
virtue of the reason that the co-accused has accepted the



involvement of the present petitioner in the *loot*. Counsel further submits that the said co-accused who has confess the name of the petitioner has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 15.09.2022 passed in Cr. Misc. No. 24727 of 2022.

5. Learned counsel for the petitioner submits that the present case has been lodged under Section 392 of the Indian Penal Code which is magisterial triable. Counsel further submits that antecedent of the petitioner is not clean and there are four criminal cases pending against the petitioner in which he is on bail. Counsel also submits that the petitioner is in custody since 05.04.2023.

6. 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 this aspect may be taken into consideration while granting bail to the petitioner.

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 Additional Chief Judicial Magistrate-III, Madhepura in connection with Kumarkhand P.S.



Case No. 167 of 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 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. It transpires to this Court that all the cases belongs to the Madhepura District and therefore, the District and Sessions Judge, Madhepura 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.

(Dr. Anshuman, J.)

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