

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74739 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- TURKAULIYA District- East
Champaran

=====

Jikrullah Ansari @ Jikurullah Ansari Son of Navijan Miya R/o vill - Chailaha,
Mauje Tola, P.S. - Banjariya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection
with Turkauliya P.S. Case No.124 of 2023, lodged on
22.01.2023, under Section 392 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged
against unknown accused persons against whom allegation of
robbery of motorcycle, cash and mobile phone have been
made in the FIR.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence.



Counsel submits that name of the petitioner has figured in this case by virtue of confessional statement and he is in custody since 08.05.2023. Counsel initially submits that there are seven criminal cases pending against the petitioner but on repeated query after reading petition counsel submits that there are nine criminal cases pending against the petitioner. The detail of nine cases are as follows:-

I. Motihari Town P.S. Case No. 140/2023 u/s 399, 422 and 25(1-B)a, 26, 35 Arms Act, in this case petitioner has got bail.

II. Turkauliya P.S. Case No.11 of 2023, under Section 392 of the Indian Penal Code.

III. Turkuliya P.S. Case No. 27/2023 u/s 392 of the Indian Penal Code.

IV. Sugauli P.S. Case No.53/2023, u/s 394 of the Indian Penal Code.

V. Muffasil P.S. Case No. 24/2023 u/s 392 of the Indian Penal Code.

VI. Muffasil P.S. Case No. 25/2023 u/s 392 of the Indian Penal Code.

VII. Banjariya P.S. Case No. 901/2022 u/s 392 of the Indian Penal Code.



VIII. Banjariya P.S. Case No. 141/2023, u/s 392 of the Indian Penal Code.

IX. Banjariya P.S. Case No. 203/2018 u/s 392 of the Indian Penal Code.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of consideration of bail this aspect may be taken into consideration that there are nine criminal cases pending against the petitioner, which is of different P.S. and almost all cases are relating to robbery and dacoity.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be released on bail **only after showing the proof that charge has already been framed in all cases** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran, Motihari, in connection with Turkauliya P.S. Case No.124 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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.

7. The speedy trial is the constitutional provision of justice. It transpires to this Court that there are total nine criminal cases pending against the petitioner. The description of cases police station wise are mentioned above.

8. The District & Sessions Judge, Motihari, 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)

Mkr./-

U		T	
---	--	---	--

