

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74843 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- MADHEPURA District- Madhepura

Dhirendra Yadav @ Dhirendra Kumar Yadav S/O- Kameshwar Yadav R/O-
Village- Maheshuwa, Ward No.- 12, P.S.- Madhepura (BHARRAHI O.P.),
Dist.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioner seeks regular bail in connection with
Madhepura (Bharrahi O.P.) P.S. Case No.24 of 2023, lodged on
08.01.2023, under Sections 341/323/379/385/504/506/34 of the
Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three named accused persons for causing of an offence alleged
to have committed on 28.12.2022 that they all demanded
ransom and snatched Rs.10,000/- from the informant.

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



that the informant and petitioner belongs to same village and same locality. They are well known to each other. Counsel submits that FIR is out and out false due to the reason that the date of occurrence is alleged to have taken place on 28.12.2022 whereas FIR has been lodged on 08.01.2023 i.e., delay of about 11 days, but no explanation has been made relating to delay. Counsel submits that antecedent of the petitioner is not clean. There are three criminal cases pending against the petitioner in which he is on bail. The petitioner is in custody since 05.08.2023. Charge sheet has already been filed.

5. Learned counsel for the State opposes the prayer for bail on the ground that petitioner has more criminal antecedents.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is dreaded criminal of the locality and as per his knowledge there is one more case lodged against him but he has no proof of the same at present. Counsel for the informant further submits that antecedent of the petitioner is not clean and at the time of granting bail this aspect may be taken into consideration.

6. In the present facts and circumstances that there is delay of about 11 days in filing the FIR without any reason, 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 Chief Judicial Magistrate, Madhepura, in connection with Madhepura (Bharrahi O.P.) P.S. Case No.24 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. It transpires to this Court that there were in total five criminal cases pending against the petitioner. The details of those cases are as follows:-

I. Madhepura (Bharrahi O.P.) P.S. Case No.173 of 2022

II. Madhepura P.S. Case No.275 of 2020

III. Madhepura P.S. Case No.467 of 2018

IV. Complaint Case No.514 of 2022

V. Complaint Case No.233 of 2023

8. Speedy trial is the constitutional provision of justice and in this view of the matter, the District & Sessions Judge, Madhepura, is directed to do the needful so that trial of all criminal cases of one P.S. if magisterial in nature shall run before one Magistrate, all criminal cases sessions triable shall run before one Sessions Court and complaint cases shall run before one Magistrate/Sessions Court as the case may be. The District and Sessions Judge, Madhepura, is directed to do the needful in this matter within three months from the date of receipt of this order.

(Dr. Anshuman, J)

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