

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74840 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- AMARPUR District- Banka

Shiv Shakti Yadav @ Shakti Yadav Son Of Late Shyam Sunder Yadav R/O Of
Village- Dhorichak, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Anand, Advocate

For the Opposite Party/s : Mr. Bharat Lal, 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
S.T. No.245 of 2022, arising out of Amarpur P.S. Case No.73 of
2022, lodged on 04.02.2022, under Sections 395/397 of the
Indian Penal Code.

3. As per the prosecution, the loot of Rs.10,700/- and
mobile phone were made from possession of the informant and
for which FIR has been lodged against four unknown accused
persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the other co-accused persons, who were arrested in
this case, have been granted bail by the coordinate Bench of this



Court which is Annexure-2 series. Counsel submits that some articles were alleged to be recovered from the possession of the petitioner but neither TIP of those articles nor TIP of accused persons were made. Counsel submits that there are five criminal cases pending against the petitioner in which they are on bail and he is in custody since 18.04.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedents of the petitioner are not clean and the recovery of looted article has been made from the house of the petitioner which is apparent from the order of rejection.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **upon showing proof of charge framing 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 Additional Sessions Judge-IV, Banka, in connection with S.T. No.245 of 2022, arising out of Amarpur P.S. Case No.73 of 2022, 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. Speedy trial is the constitutional provision of justice. It transpires to this Court that there are total six criminal cases pending against the petitioner. The description of cases police station wise are as follows:

I. Amarpur P.S. Case No.670 of 2019.

II. Amarpur P.S. Case No.77 of 2022

III. Amarpur P.S. Case No.70 of 2022



IV. Rajaun P.S. Case No.31 of 2022

V. Kajraili P.S. Case No.3 of 2022

8. The District & Sessions Judge, Banka, 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 the proof of charge framing in all cases.

(Dr. Anshuman, J)

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