

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84788 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- BARHARA District- Bhojpur

Sriram Bind @ Choli Bind Son Of Sri Kasha Nath Bind @ Kashi Nath Mahto
Resident Of Village - Chatar, P.S. - Barhara, District - Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Barhara P.S. Case No. 278 of 2023 lodged under Sections 392 of
the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against four unknown accused persons against whom
there is allegation of robbery is there.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that nothing has been recovered from the possession of the
petitioner and he was not put on T.I.P.. He further submits that
his name has figured in this case by virtue of confessional
statement of co-accused, namely, Vicky Kumar.

5. Counsel further submits that petitioner's antecedent



is not clean and there are in total eleven criminal cases pending against him and only due to this reason, his name has been inserted in this criminal case also. Counsel submits that petitioner is in custody since 25.07.2023.

6. Counsel further submits that the offence in which case has been lodged, is magisterial triable in nature.

7. Learned counsel for the State opposes the prayer for bail and submits that at the time of consideration of bail, petitioner's criminal antecedent may be taken into consideration.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, 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, Bhojpur, Ara in connection with Barhara P.S. Case No. 278 of 2023 , subject to the following conditions as laid down under Section 437(3) of Cr.P.C. 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.

9. Speedy trial is the constitutional vision of justice. Admittedly, there are in total 12 criminal cases (including the present one) pending against the petitioner which are of different police stations i.e., Ara Mufassil, Barhara and Koilwar which belongs to Bhojpur district which are as follows:

- i. Ara Mufassil P.S. Case No. 191 of 2019
- ii. Barahara P.S. Case No. 374 of 2020
- iii. Barahara P.S. Case No. 548 of 2020
- iv. Barahara P.S. Case no. 385 of 2017



- v. Barahara P.S. Case No. 121 of 2018
- vi. Barahara P.S. Case No. 113 of 2020
- vii. Koilwar P.S. Case No. 39 of 2023
- viii. Ara Town P.S. Case No. 476 of 2023
- ix. Koilwar P.S. Case No. 162 of 2023
- x. Barhara P.S. Case No. 295 of 2023
- xi. Koilwar P.S. Case No. 24 of 2023
- xii. Barhara P.S. Case No. 278 of 2023 (present case).

10. Let the District and Sessions Judge, Bhojpur, Ara is directed to do the needful so that all the magisterial triable cases or sessions triable cases prior to commitment shall run before one Magistrate with one date and all sessions triable cases after commitment, shall run before one Session Court with one date.

11. Let the copy of this order is communicated to the District and Sessions Judge, Bhojpur, Ara for perusal and necessary compliance.

(Dr. Anshuman, J.)

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