

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84472 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- KISHANGANJ District- Kishanganj

=====

Ajay paswan, Son Of Bipta Paswan, R/O Village- Dharamganj Majhiya Road,
Ward No. 28, P.S.- Kishanganj, Dist.- Kishanganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, 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
Kishanganj P.S. Case No.120/2023 lodged on 22.03.2023 under
Section 457/380 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons with an allegation of
committing theft in the house of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. In fact, the
FIR has been lodged against unknown, but the petitioner has



been roped in the present case only on the basis of confessional statement of co-accused, Ankit Kumar Ray. He further submits neither any recovery has been made from the possession of the petitioner nor the petitioner has been put on Test Identification Parade. The petitioner is in custody since 05.04.2023 and is accused in four more criminal cases.

5. Learned counsel for the State opposes the prayer for bail and submits that four more criminal cases are pending against the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on 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 CJM, Kishanganj, in connection with Kishanganj P.S. Case No.120/2023, 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. Speedy trial is the constitutional vision of the justice delivery system. It transpires to this Court that a total of 4 criminal cases are pending against the petitioner, as under: -

i) Kishanganj P.S. Case No. 03/2023..

ii) Kishanganj P.S. Case No.61/2023.

iii) Kishanganj P.S. Case No.77/2023.

iv) Kishanganj P.S. Case No.84/2023.

8. The District and Sessions Judge, Madhepura is directed to do the needful so that all the cases pending against the petitioner triable by a Magistrate and Sessions Judge (prior



to commitment) shall run before one Magistrate, and after commitment, all the cases triable by a Sessions Judge shall run before one Sessions Court.

(Dr. Anshuman, J)

Ashwini/-

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

