

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1972 of 2024

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

Nehal Kumar Roy @ Nihal Kumar Ray Son of Shambhu Roy R/o village
Dharamganj Majhiya Road ward no.28 P.s. - kishanganj district kishanganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 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 of 2023 lodged under Sections
457 and 380 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against five named accused persons and the allegation of
commission of theft by entering into the house is there.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that petitioner's name has come in this case by virtue of
confessional statement of co-accused and nothing incriminating
has been recovered from the possession of the petitioner and he
was not put on T.I.P..



5. Counsel further submits that there are five criminal cases pending against him in which he is on bail and he is in custody since 19.04.2023. Counsel also submits that one co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 84472 of 2023.

6. Counsel further submits that charge has already been framed in this case.

7. Learned counsel for the State opposes the prayer for bail and submits that at the time of consideration of bail, criminal antecedent of the petitioner must be taken into consideration that there are five criminal antecedent pending against him relating to similar nature.

8. In the present facts and circumstances of this case and the submissions made above that charge has already been framed in this case, 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, Kishanganj in connection with Kishanganj P.S. Case No. 120 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. However, petitioner shall be released on bail only after certifying by the court that in other cases, he is not absconder,

10. Speedy trial is the constitutional vision of justice. Admittedly, there are in total six criminal cases (including the present one) pending against the petitioner which belongs to the



District and Sessions Judge, Kishanganj which are as follows:

- i. Kishanganj P.S. Case No. 130 of 2023.
- ii. Kishanganj P.S. Case No. 03 of 2023.
- iii. Kishanganj P.S. Case No. 61 of 2023.
- iv. Kishanganj P.S. Case no. 77 of 2023.
- v. Kishanganj P.S. Case No. 84 of 2023
- vi. Kishanganj P.S. Case no. 120 of 2023. (present case).

11. Let the District and Sessions Judge, Kishanganj 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.

12. Let the copy of this order is communicated to the District and Session Judge, Kishanganj for perusal and necessary compliance.

(Dr. Anshuman, J.)

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