

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2226 of 2024

Arising Out of PS. Case No.-290 Year-2020 Thana- JAMUI District- Jamui

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Rahim Mian, Son Of Maulana Md. Hussain @ Mohammad Maulana Hussain
Resident Of Village- Adsar, Ps- Jamui, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Adv.

For the Opposite Party/s : Mrs. Asha Devi, APP

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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
Jamui P.S. Case No. 290 of 2020, lodged on 01.06.2020 under
Sections 356/379 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons against whom there is
an allegation that they have committed offence under which the
case has been lodged.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that investigation has already been completed and
during the investigation, the charge sheet has been submitted
under section 395 of the Indian Penal Code. Counsel further



submits that antecedent of the petitioner is not clean and there were total 12 criminal cases pending against the petitioner in which in 9 cases, the petitioner is on bail and in rest of the 3 cases, he is acquitted. Counsel also submits that the petitioner is in custody since 26.09.2023.

5. Learned counsel for the petitioner submits that the name of the petitioner has been figured in this case only by virtue of confessional statement of the co-accused. Counsel also submits that nothing incriminating has been recovered from the possession of the petitioner nor he was put on TIP.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and there are total 12 cases pending against the petitioner and at the time of consideration of bail application of the petitioner, this aspect may be taken into consideration.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge as well as the Trial Court on being satisfied with the affidavit to be submitted by the petitioner before the Trial Court indicating therein that he is not absconding in any of the 12 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 Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 290 of 2020, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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.



8. It transpires to this Court that there are total 12 criminal cases against the petitioner whose details are stated as under:-

I- Jamui P.S. Case No. 110/2014 u/s 302, 386 of the IPC and section 3, 4 of the Explosive Substance Act.

II- Jamui P.S. Case No. 133/2015 u/s 414 of the IPC and section 25(1-b)a of the Arms Act.

III- Jamui P.S. Case No. 298/2020 u/s 399/402 of the IPC and section 25(1-b)a/26/35 of the Arms Act.

IV- Jamui P.S. Case No. 394/2006 u/s 376 of the IPC.

V- Jamui P.S. Case No. 673/2019 u/s 302 of the IPC and section 27 of the Arms Act.

VI- Jamui P.S. Case No. 134/2013 u/s 411/120B of the IPC.

VII- Jamui P.S. Case No. 567/2019 u/s 394/397/302 of the IPC.

VIII- Jamui P.S. Case No. 233/2010 u/s 302 of the IPC and section 27 of the Arms Act.

IX- Khaira P.S. Case No. 69/2009 u/s 364 of the IPC.

X- Khaira P.S. Case No. 103/2009 u/s 364 of the IPC.

XI- Jhajha P.S. Case No. 255/2016 u/s 302, 201, 120B, 34 of the IPC.



XII- Jhajha P.S. Case No. 283/2019 u/s 302, 201, 120B of the IPC.

9. The speedy trial is the constitutional vision of justice. It transpires to this Court that there are total 12 criminal cases pending against the petitioner. The description of cases police station wise are mentioned above.

10. The District and Sessions Judge, Jamui 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.

11. Let a copy of this order be communicated to the District and Session Judge, Jamui for perusal and necessary compliance.

(Dr. Anshuman, J.)

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