

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10506 of 2021**

Arising Out of PS. Case No.-539 Year-2018 Thana- JAYNAGAR District- Madhubani

RAM SOGARATH YADAV @ SOGARATH YADAV SON OF AMIRI LAL
YADAV RESIDENT OF VILLAGE-GOBRAHI,P.S-JAINAGAR,DISTRICT-
MADHUBANI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash,Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-05-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday
Pratap Singh, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Jaynagar P.S. Case No. 539 of 2018

registered for the offences punishable under Sections 272, 273,

414, 34 of the Indian Penal Code and Section 30(a) of Bihar

Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per

the prosecution story, on secret information regarding illicit

liquor trade from Nepal to India by Indrajeet Yadav and his

associates, informant with other police personnel raided the



place of occurrence where on seeing the police party miscreants tried to flee away but four of them got apprehended and disclosed the name of other miscreants including this petitioner who managed to escape. Total 910 liters of Nepali wine was recovered and the motorcycles involved in the illicit trade have been seized.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Vikash Kumar who has already been granted bail in Cri. Misc. No. 13796 of 2019, the other co-accused have also been granted bail and some of them have been granted anticipatory bail by learned Co-ordinate Bench of this Court. The petitioner is in custody since 12.08.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case in which it is the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of the co-accused Vikash Kumar who has already been granted bail in Cri. Misc. No. 13796 of 2019,



the other co-accused have also been granted bail and some of them have been granted anticipatory bail by learned Co-ordinate Bench of this Court, the petitioner is in custody since 12.08.2020 and investigation against him is complete, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 539 of 2018, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

