

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28431 of 2022

Arising Out of PS. Case No.-523 Year-2020 Thana- HISUWA District- Nawada

SURENDRA RAJBANSHI, Son of Late Rajo Rajbanshi, Resident of Village
- Manjhwe, P.S.- Hisua, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-08-2022 The matter has been mentioned for out of turn
hearing on the ground that mother of the petitioner has died
today.

Learned counsel for the petitioner is directed to
remove all the defects pointed out by the office.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain
regular bail in connection with Hisua P.S. Case No. 523 of 2020
registered for the offences punishable under Section 30(a), 45 of
Bihar Prohibition and Excise Act 2018. He is in custody since
01.01.2021 The petitioner has got four criminal antecedents.

Learned counsel for the petitioner submits that earlier
the prayer for bail of the petitioner was rejected vide order dated



21.10.2021 passed in Cr. Misc. No. 27841 of 2021 (Annexure '1') after taking note of the four criminal antecedents of the petitioner and the allegation that 10 litres of illicit liquor has been recovered from his possession. It is submitted that this Court has granted liberty to the petitioner to move this Court if the trial remains unconcluded within a period of six months from the date of communication of the order for no reason attributable to the petitioner.

Learned counsel submits that till date the trial has not been concluded and today the mother of the petitioner has died hence, the presence of the petitioner is required to perform the last rites and Shradh ceremony of his mother.

Mr. Md. Fahimuddin, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but does not dispute that this petitioner has remained in custody for one and half years by now and this Court has given observations of six months on 21.10.2021.

Considering the facts and circumstances of the case, the observations of this Court and the period of custody of the petitioner, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like



amount each to the satisfaction of learned Additional District and Sessions Judge-IIInd-cum-Special Judge, Nawada in connection with Hisua P.S. Case No. 523 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

Certified copy of the order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

