

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3322 of 2021**

Arising Out of PS. Case No.-322 Year-2020 Thana- RANIGANJ District- Araria

Niraj Yadav @ Niraj Kumar Son of Vijendra Yadav @ Vijen Yadav Resident of Village - Raghapur, Bhudani Tola, Ward No. 02, P.S. - Raniganj, District - Araria.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ramchandra Risideo Son of Jholi Risideo Village- Raghapur Bhudani Tola ward no 2, P.S.-Raniganj District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Sinha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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

3 17-09-2022 Learned counsel for the appellant is directed to remove all the defects within two weeks from today.

Heard learned counsel for the appellant and Mr. Sadanand Paswan, learned Spl. P.P. for the State.

Appellant has renewed his prayer for bail by filing the present Cr. Appeal (SJ).

Mr. Sadanand Paswan, learned Spl.P.P. for the State submits that earlier in Cr.Appeal (SJ) No.201 of 2021, this Court refused to interfere with the order dated 10.09.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in Spl. (SC/ST) Case No.142/2020 arising out of Raniganj P.S. Case No.322/2020 registered for the offence under



Sections 302, 201 and 379/34 of the Indian Penal Code and Sections 3(r)(w), 3(2)(v) of the SC/ST Act.

Learned Spl.P.P. for the State submits that once the said order of the learned court below has been upheld, if at all the appellant has been advised to move afresh for bail on any ground, he should have moved a fresh application for bail in the learned special court and only upon refusal of the same he could have filed a fresh Cr.Appeal (SJ) before this Court.

Learned Spl.P.P. further points out that while rejecting the prayer for bail of the appellant in Cr.Appeal (SJ) No.201 of 2021, this Court had not preserved any liberty for the appellant to renew his prayer for bail against the same impugned order. In such circumstance, it is all the more necessary for the appellant to come this Court only if a fresh application for bail of the appellant is rejected in the learned court below.

This Court prima-facie finds substance in the submission of learned Spl. P.P. for the State.

Learned counsel for the appellant is permitted to withdraw this appeal with liberty to file a fresh application for bail in the learned court below. If any such application is filed with prior service of the same upon the learned Spl.P.P. in the learned court below, the learned court below shall consider the



same and dispose of the matter within a period of 30 days from the date of filing of the application.

This appeal stands disposed of accordingly.

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

(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'.

