

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.70763 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Ram Kumar Yadav @ Ram Kumar Rai @ Ramu Son Of Late Dhanush Prasad
Yadav Resident Of Village- Lalpur, Ward No 03, P.S- Runnisaidpur, Dist-
Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

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

2 12-01-2022 Heard learned counsel for the petitioner and Mr.
Umanath Mishra, learned A.P.P. for the State.

Petitioner, in the present case, has moved this court in
second attempt to obtain bail in connection with Runisaidpur
P.S. Case No. 74/2020 registered for the offence under Sections
30(a), 30(g), 38(i)(ii), 41 of the Bihar Prohibition and Excise
Act, 2016.

Earlier, while rejecting the prayer for bail of the
petitioner, this court had taken note of the allegations against the
petitioner and that he is involved in three other cases of similar
nature. While rejecting the prayer for bail of the petitioner vide
order dated 23.06.2021 in Cr. Misc. No. 14564 of 2021 an
observation was given that the petitioner may renew his prayer
for bail after one year of his custody in the learned court below.



Learned counsel for the petitioner submits that when the petitioner moved the learned court below, the prayer for bail has been rejected taking note of the allegations, the criminal antecedent of the petitioner and it seems that learned court below was also prejudiced on account of the fact that this court had earlier rejected the prayer for bail of the petitioner. Learned court below did not consider that this court had granted liberty to the petitioner to renew his prayer for bail after completion of one year of custody, therefore, it should have been a fresh consideration without prejudice.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but considering the period of custody, the observations of this court in Cr. Misc. No. 14564/2021 and that in another case petitioner has been granted bail vide order dated 16.07.2021 passed in Cr. Misc. No. 11236/2021 by a learned coordinate Bench of this court, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-2nd-cum-Special Judge, Excise, Sitamarhi in connection with Runisaidpur P.S. Case No. 74/2020, 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 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.

