

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5708 of 2025

Arising Out of PS. Case No.-418 Year-2021 Thana- SHAHPUR PATORI District- Samastipur

Yaduwansh Ray @ Yaduwansh Kumar Ray @ Bega @ Yaduwansh Rai @
Benga Son of Raj Kumar Ray Resident of Village - Rupauli Chaksima, Police
Station - Shahpur Patori, District - Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-02-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Present prayer of bail pressed by the petitioner against the order dated 07.06.2024 as passed by learned Special Judge (Excise)-II, Samastipur in Patauri P.S. Case No. 418/2021 registered for the offences under Sections 272, 273, 307, 328, 302, 120B, 34 of the Indian Penal Code and Section 30(a), 33, 36, 34 of the Bihar Prohibition and Excise (Amendment) Act, 2016, wherein the bail bond of the petitioner was cancelled and he was taken in custody, as he was not appeared physically before the court when the matter was fixed for argument. Petitioner upon cancellation of his bail bond remains in custody since 18.05.2024.



3. It is submitted by learned counsel for the petitioner that petitioner was granted bail by this Court through Cr. Misc. No. 64812 of 2022 vide order dated 09.12.2022 considering the available merit. It is submitted that since then on each and every date when it was required and called for, petitioner was present before the court and, therefore, the trial progressed and reached up to the stage of argument, but due to non-communication by the learned counsel appearing for the petitioner before the learned trial court, he failed to appear physically before the learned trial court, when the matter was listed for argument.

4. It is submitted that non-appearance of the petitioner was neither intentional nor deliberate rather due to certain compelling circumstances which was beyond his knowledge.

5. It appears that despite custody period of nine (9) months, still the matter is at the stage of argument itself and petitioner cannot be kept behind the bar on this score alone for such a long period.

6. Considering the aforesaid facts and circumstances, above-named petitioner is directed to be released on bail,



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) - 02, Samastipur/concerned court, in connection with Shahpur Patori P.S. Case No. 418 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S."), and further condition that:

(i) Petitioner shall not make any attempt to delay the trial, failing which the learned trial court shall be at liberty to cancel the bail bond of the petitioner, if pressed by the State /prosecution.

(ii) Petitioner shall remain present physically on each and every date of hearing and his physical exemption may be allowed by the learned trial court only on medical ground duly supported by documents.

(Chandra Shekhar Jha, J)

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