

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5210 of 2025**

Arising Out of PS. Case No.-102 Year-2022 Thana- BANGAWON District- Saharsa

=====

JAY KARAN PASWAN S/O LATE DOMI PASWAN R/o Dholi, Ward No. 07, P.S.- Bangaon and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Verma, Advocate  
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

3      29-04-2025                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with ST Case No. 123 of 2023 arising out of Bangaon P.S. Case No. 102 of 2022 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 302, 307, 506, 34 of the Indian Penal Code.

3. Earlier vide order dated 02.12.2023 passed in Cr. Misc. No. 28973 of 2023, the prayer of the petitioner for grant of bail was rejected. The present application is the second attempt of the petitioner for grant of bail.



4. Prosecution case, in short, is that petitioner along with other co-accused persons assaulted the informant as well as his family members due to which they sustained injuries and the uncle of the informant died on the way to hospital.

5. Learned counsel for the petitioner submitted that the present one is the second attempt of the petitioner for grant of bail. Learned counsel for the petitioner mainly contended that petitioner has been languishing in jail for the last two and a half years, i.e. from 24.10.2022 and charges have already been framed against him on 03.06.2024 but the examination of the witnesses has not yet started and there is no likelihood of conclusion of the trial in near future. Learned counsel goes on to submit that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. As per the report sent by the learned court below, the case is pending for prosecution evidence. It is further reported that summons for the appearance of the witnesses have



been issued but no prosecution witness has been produced by the prosecution as yet.

8. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner and also taking into account the fact that continued detention of the petitioner would serve no purpose other than punitive pretrial incarceration which is antithetical to the spirit of Article 21 of the Constitution of India, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with ST Case No. 123 of 2023 arising out of Bangaon P.S. Case No. 102 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move  
for cancellation of bail.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

