

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5384 of 2025

Arising Out of PS. Case No.-257 Year-2024 Thana- BIHARIGANJ District- Madhepura

Sikendra Pal S/O Late Gulay Pal R/O Village- Kathotiya, Ward No. 07, P.S-
Bihariganj, Distt.- Madhepura. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-08-2025 Heard Mr. N.K. Agrawal, learned senior counsel

appearing on behalf of the petitioner and learned APP appearing

on behalf of the State.

2. The petitioner seeks bail in connection with Bihariganj

P.S. Case No. 257/2024, registered for the offence under Sections

115, 126(1), 118(1), 109, 103(1) and 3(5) of the Bhartiya

Nayaya Sanhita, 2023.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 03.08.2024.

4. The allegation against the petitioner is to assault the

brother of the informant and others during the occurrence, causing

head and bodily injury, where during hospitalization brother of the

informant succumbed to injury.

5. Mr. N.K. Agrawal, learned senior counsel appearing

on behalf of the petitioner submitted that the informant projected



himself as an eye-witness of the occurrence but he is not so and this fact can be gathered from the statement of Neelam Devi, who is the mother of another deceased Sonu Kumar. It is pointed out by Mr. Agrawal that the informant claims to be present at place of occurrence but same not appears supported from the statement of other prosecution witnesses. It is further submitted that the allegation raised against 4-5 named accused persons and 4-5 unknown accused persons, where allegation *qua* physical assault is appearing very much general and omnibus against this petitioner. After raising this much argument in favour of available merits, Mr. Agrawal straightway submitted that despite of custody of petitioner for more than one year as he remains in custody since 03.08.2024, even the record not appears to be committed to the court of sessions in view of Section 209 of the Cr.P.C./232 of BNSS and, therefore, it can be gathered safely that the trial of this case is not likely to conclude, where eight prosecution witnesses is to be examined. It is submitted that petitioner cannot be kept behind bar for indefinite period in want of trial and keeping this petitioner behind the bar shall not serve any purpose of justice.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as despite of more than one year custody, even



this case was not committed to the court of session, suggesting *prima facie* that trial is not likely to conclude in near future, accordingly, petitioner above named, is directed to be released on bail in connection with Bihariganj P.S. Case No. 257/2024, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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