

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10149 of 2025

Arising Out of PS. Case No.-361 Year-2023 Thana- ALAMGANJ District- Patna

Abhishek Kumar, S/o- Pradip Verma @ Pradeep Verma, Resident of Chhoti Nagla Malsalami, P.S.- Malsalami, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 06-08-2025 This is the second attempt of prayer of bail as pressed by petitioner after rejection of his first prayer of bail, considering the available merit through Cr. Misc. No.3768 of 2024 dated 21.03.2024.

2. The petitioner is in custody since 28.04.2023.

3. It is submitted by learned counsel appearing for petitioner that while rejecting the first prayer of bail as submitted aforesaid, this Court had directed the learned trial court to conclude the trial expeditiously but despite of same, till date, not even a single prosecution witness was examined by the learned trial court, defeating the concept of speedy trial, which appears *prima facie* in violation of fundamental right of petitioner as available under Article 21 of the



Constitution of India. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon and Ors. vs. Home Secretary, State of Bihar [(1980) 1 SCC 98]**. It is pointed that charge in this case was framed on 22.12.2023.

4. A report regarding stage of trial was called for, which made available to this Court through Letter No.171 dated 15.07.2025 suggesting that not even a single prosecution witness was examined till date despite of the direction of this court to conclude the trial expeditiously. Certainly, the petitioner cannot be kept behind bar for indefinite period in want of trial particularly, when in last two years and three months not even a single prosecution witness was examined.

5. Considering the slow progress of trial, as petitioner remains in custody since 28.04.2023 *prima facie* defeating the concept of speedy trial, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned A.D.J.-IV, Patna City, Patna/concerned court in connection with Sessions Trial No.1084 of 2023 arising out of Alamganj P.S. Case No.361 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That upon any attempt to delay the trial by petitioner, the State/prosecution shall be at liberty to press before the learned trial court for cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

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