

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32390 of 2025

Arising Out of PS. Case No.-26 Year-2021 Thana- MOKAMAH District- Patna

Ashok Mistri @Ashok Vishwakarma Son of Late Ram Nandan Mistri
Resident of Village- More West, P.s.- Mokama, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-10-2025 Heard the parties.

2. The petitioner is named in the F.I.R. and is in custody since 22.01.2021.

3. This is a second successive bail petition of this petitioner as his earlier prayer of bail was rejected by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 67384 of 2022 dated 10.05.2023.

4. As per allegation one country made pistol, 5 semi prepared *katta* and 3 semi prepared pistol, 1 country made revolver altogether 19 arms and 5 empty cartridge and 38 live cartridges and several equipment for making weapon appears to be recovered from the house of this petitioner.

5. Learned counsel appearing on behalf of the petitioner while pressing the second successive bail petition submitted that



the present bail petition is being pressed on the sole ground of custody period that despite of custody for about 4 years and 8 months still this matter is pending for trial. It is submitted that still this matter is pending for examination of prosecution witnesses and for all such delay accused cannot be said responsible. It is pointed out that petitioner cannot remain in judicial custody for any indefinite period in want of trial as same appears in violation of fundamental right *qua* speedy trial under Article 21 of Constitution of India. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Hussainara Khatton and Ors. vs. Home Secretary, State of Bihar*** as reported in ***(1980) 1 SCC 81.***

6. Learned APP could not disputed the aforesaid factual submission *qua* custody period.

7. Taking note of earlier submissions *qua* custody period, a report regarding stage of trial was called for from the learned trial court vide order dated 17.09.2025 which was made available to this Court through letter no. 162 dated 24.09.2025, which speaks that still this matter is pending for examination of charge-sheeted witnesses. From the said report it appears that in last four and half years only three charge-sheeted witnesses were examined by learned trial court. The aforesaid report also speaks



that aforesaid delay was not contributed by this petitioner.

8. In view of aforesaid factual and legal submission and by taking note of fact as petitioner remains in custody since 22.01.2021 i.e. more than 4 years and 8 month, despite of same still this matter is pending for trial and same not appears to likely conclude in near future, violating the fundamental right of this petitioner *qua* speedy trial as available under Article 21 of the Constitution of India as discussed aforesaid, accordingly petitioner above named, is directed to be released on bail in connection with Mokama P.S. Case No. 26 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ I, Barh, Patna /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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