

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22341 of 2025

Arising Out of PS. Case No.-123 Year-2023 Thana- NIMACHANDPURA District- Begusarai

RAHUL KUMAR Son of Narayan Tanti R/o Village - Kaith, P.S.- Neema,
Chandpura, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate

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

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

ORAL ORDER

3 03-07-2025 Heard Mr. Braj Bhusan Poddar, learned counsel for
the petitioner and Mr. Nityanand Tiwary, learned APP for the
State.

2. Earlier the regular bail of the petitioner was
rejected vide order dated 26.10.2024 passed in Cr. Misc. No.
66534 of 2024 (Annexure-1). The present is the second
application for regular bail filed on behalf of the petitioner.

3. The petitioner seeks bail in connection with Neema
Chandpura P.S. Case No. 123 of 2023, instituted for the offences
punishable under Sections 302, 120(B), 506/34 of the Indian
Penal Code

4. The prosecution case, in short, is that, wife of the
informant was done to death at her matrimonial house.



5. Learned counsel for the petitioner submits that the present one is the second attempt for grant of regular bail to the petitioner. It is mainly submitted that charge in this case has been framed in this case on 30.01.2025 and till date, out of total eight charge-sheeted witnesses, the prosecution has not examined any witness. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.02.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel for the petitioner next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments.

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

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and 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.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Neema Chandpura P.S. Case No. 123 of 2023, 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.

(Rudra Prakash Mishra, J)

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