

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24447 of 2025

Arising Out of PS. Case No.-4 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Raja Babu S/O Bijay Yadav alias Vijay Rai Resident of Village- Pranpur, P.S.-
Tisiyonta, At present P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 17-10-2025 Heard the parties.

2. The petitioner is named in the F.I.R. and is in custody since 10.01.2020.

3. It is submitted by learned counsel appearing on behalf of the petitioner that the present is the second successive bail petition preferred on the sole ground of custody period, as petitioner remains in custody for about 6 years i.e., 10.01.2020 in connection with present case.

4. It is pointed out that while rejecting the first prayer of bail through Cr. Misc. No. 54192 of 2023 dated 28.11.2023 one of the learned co-ordinate Bench of this Court observed that if the trial of this petitioner is not concluded within one year petitioner would be at liberty to renew his prayer for bail. It is pointed out that consequent to aforesaid liberty the present



successive bail petition was filed.

5. It is submitted by learned counsel for the petitioner that still not even a single prosecution witness examined in present case for one or another reason. It is submitted that the petitioner cannot be kept behind bar for indefinite period of time in want of trial. It is submitted that non-examination of single prosecution witness within 6 years is in itself sufficient to suggest that the fundamental right *qua* speedy trial as available under Article 21 of Constitution of India to the petitioner was violated. 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 appearing for the State could not disputed the aforesaid factual submission *qua* custody period and liberty as given to petitioner *qua* renew of bail as submitted aforesaid.

7. In view of aforesaid factual and legal submission and by taking note of fact as petitioner remains in custody since 10.01.2020 i.e., about 5 years 10 months, even though not even a single prosecution witness was examined in this matter,



suggesting that the fundamental right of petitioner *qua* speedy trial appears compromised, accordingly petitioner above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 04 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge XIV, Vaishali at Hajipur /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS subject to condition that:-

- (i) That petitioner shall cooperate 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) Any deliberate attempt on the part of petitioner as to delay the trial may lead to his cancellation of bail bond, if pressed by the prosecution/State.*

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

