

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31745 of 2025

Arising Out of PS. Case No.-377 Year-2021 Thana- NAUBATPUR District- Patna

Prince Kumar S/O Anil Sharma R/O Village- Pali, P.S- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kuar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 01-08-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Session Trial Case No. 746 of 2021 arising out of Naubatpur P.S. Case No. 377 of 2021 instituted for the offence under Sections 302 of the Indian Penal Code. Earlier vide order dated 11-01-2023, passed in Cr. Misc. No. 30826 of 2022, regular bail of the petitioner was rejected by a Co-ordinate Bench of this Court. Again vide order dated 18-09-2024, passed in Cr. Misc. No. 47752 of 2024, regular bail of the petitioner was rejected by this Court with a liberty to renew the prayer after six months if the trial is not concluded.

3. Learned counsel for the petitioner submits that the



present one is the third attempt for grant of regular bail to the petitioner. It is mainly submitted that charge in this case is framed and till date, only two witnesses are yet to be examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02-08-2021. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel goes on to submit 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 is reiterated by Hon'ble Apex Court in plethora of judgments.

4. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

5. Considering the aforesaid facts and circumstances of the case, period of custody of 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.

6. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Session Trial Case No. 746 of 2021, arising out of Naubatpur P.S. Case No. 377 of 2021, 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)

Raj Kishore/-

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