

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32968 of 2025

Arising Out of PS. Case No.-168 Year-2023 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Santosh Kumar S/O Anuj Yadav @ Ramanuj Yadav R/O Village- Manjhauli,
P.S- Baktirpur (Salimpur), District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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

ORAL ORDER

4 29-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Session Trial Case No. 419 of 2024 arising out of GRP
Bakhtiyarpur (Fatuha) P.S. Case No. 168 of 2023 instituted for
the offence under Sections 302/120(B) & 34 of the Indian Penal
Code and Section 27 of the Arms Act. Earlier vide order dated
26-10-2024, passed in Cr. Misc. No. 43605 of 2024, regular bail
of the petitioner was rejected.

3. 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 is
framed and till date, only one witness has been examined. It has



been submitted on behalf of the petitioner that the petitioner is in custody since 19-01-2024, having no antecedent. Learned counsel submits that earlier UD Case No. 20 of 2023 was registered, but subsequently, FIR has been lodged. 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. Earlier a report was called from the court below and it is reported that one out of six prosecution witnesses have been examined in this case.

6. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there is no likelihood of the trial being concluded in the near future 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.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Session Trial Case No. 419 of 2024 arising out of GRP Bakhtiyarpur (Fatuha) P.S. Case No. 168 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)

Raj Kishore/-

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