

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33512 of 2025

Arising Out of PS. Case No.-968 Year-2023 Thana- DANAPUR District- Patna

Vinod Kumar S/O Birendra Kumar @ Birendra Prasad @ Birendra Rai
Village- Nasriganj, PS- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

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

ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sessions Trial No. 1295 of 2024 arising out of Danapur P.S.
Case No. 968 of 2023 instituted for the offences under Sections
302 and 201 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the father of
the deceased lodged a missing report that after receiving a call
on mobile, his son left the home but later did not return.
Thereafter on the basis of CDR of the mobile of the deceased,
when the police went to the house of the petitioner, the
petitioner accepted his guilt that owing to illicit relation with
his wife, the petitioner pushed the deceased in the river due to



which he drowned.

4. This is the second attempt of the petitioner for bail. Earlier, the petitioner has moved before this Court with a prayer for bail which was dismissed on merit vide order dated 22.04.2024 passed in Cr. Misc. No. 4978 of 2024.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 22.07.2023. He further submits that the present case has been committed to the Court of Sessions on 04.09.2024 and the charge has also been framed on 29.11.2024 but, till date, not a single witness has turned up on behalf of the prosecution and, therefore, the trial is unlikely to be concluded in near future. He further submits that there are altogether seven prosecution witnesses in this case. 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.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner and also 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 1295 of 2024 arising out of Danapur P.S. Case No. 968 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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