

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58744 of 2025

Arising Out of PS. Case No.-382 Year-2023 Thana- RANIYATALAB District- Patna

Abhishek Kumar S/o Anil Kumar @ Ani8l Singh @ Anil Sharma R/o Village-
Lodipur, P.S.- Chondi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 61220 of 2025

Arising Out of PS. Case No.-382 Year-2023 Thana- RANIYATALAB District- Patna

Ajay Kumar @ Sarpanch S/O Bihari Yadav @ Lal Bihari Yadav R/O Berar
Tola, P.S.- Ranitalab, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 58744 of 2025)
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Amit Anand, Advocate
Mr. Pushkar Prashant, Advocate
For the State : Mr. Raj Ballabh Singh, APP
For the Informant : Mr. Anshul, Sr. Advocate
Mr. Shambhu Narayan Singh, Advocate
Mr. Suraj Kuamr Tiwari, Advocate
(In CRIMINAL MISCELLANEOUS No. 61220 of 2025)
For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the State : Ms. Asha Devi, APP
For the Informant : Mr. Anshul, Sr. Advocate
Mr. Shambhu Narayn Singh, Advocate
Mr. Suraj Kumar Tiwari, Advocate

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

ORAL ORDER

3 10-10-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with



Sessions Trial No. 415 of 2024, arising out of Rani Talab P.S. Case No. 382 of 2023 instituted for the offences under Sections 302, 120B & 34 of the Indian Penal Code and Sections 25(1-B)a & 27 of the Arms Act.

3. This is the second attempt of the petitioners for bail. The petitioners have renewed their prayer for grant of regular bail which was earlier rejected on merit by this Court vide order dated 21.09.2024, passed in Cr. Misc. No. 52922 of 2024 and Cr. Misc. 47647 of 2024, respectively, taking into account the specific and direct allegation against petitioner, namely, Ajay Kumar @ Sarpanch and ample material against both these petitioners regarding their involvement in the commission of murder of the deceased.

4. In compliance of the order dated 21.08.2025, a report dated 04.09.2025, with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that charge in this case was framed on 20.02.2025. It is further reported that one witness is partially examined out of total fourteen witnesses and trial is likely to be concluded within a period of nine months.

5. Learned counsel for the petitioners submits that the petitioner, namely, Abhishek Kumar is languishing in judicial



custody since 20.12.2023, having fourteen criminal antecedents, whereas, petitioner, namely, Ajay Kumar @ Sarpanch is in custody since 07.11.2023, having three criminal antecedents. 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 petitioners 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. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and taking into account the fact that continued detention of the petitioners would serve no purpose other than punitive pretrial incarceration, which is antithetical to the spirit of Article 21 of the Constitution of India as also there is no likelihood of the trial being concluded in the near future, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing



bail bonds of Rs. 15,000/- (Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 415 of 2024, arising out of Rani Talab P.S. Case No. 382 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners 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 petitioners.

(III) The petitioners shall not leave the territorial jurisdiction of the Court below without its prior permission.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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