

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54034 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

Kishan Sahani Son of Late Ram Chandra Sahani village- Rajoura, Ps- s.
Kamal, dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

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

ORAL ORDER

3 10-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with S.
Kamal P.S. Case No. 187 of 2024 instituted for the offences
under Sections 25(1-B)a, 26 & 35 of the Arms Act, Section
30(a) of the Bihar Excise Act and Sections 20 & 22 of the
NDPS Act.

3. This is the second attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected on merit by this Court vide order
dated 16-01-2025 passed in Cr. Misc. No. 80377 of 2024.

4. In compliance of the order dated 04-08-2025, a
report dated 12-08-2025 with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that charge is framed in this case. It is further reported that no witness is examined hitherto.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 02-08-2024 without any rhymes or reason, having no criminal antecedent. 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.

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

7. 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.



8. 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 S. Kamal P.S. Case No. 187 of 2024, 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/-

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

