

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60900 of 2025**

Arising Out of PS. Case No.-23 Year-2023 Thana- BELA District- Sitamarhi

Indrajit Baitha @ Indrajeet Baitha @ Indrajit Safi S/O Late Maheshi Baitha
@ Mahesh Safi Resident Of Village- Sukki Musharaniya, P.S.- Parihar,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Sessions
Trial No. 164 of 2024 arising out of Bela P.S. Case No. 23 of
2023 instituted for the offences under Sections 364A, 302, 201,
120B, 34 of the Indian Penal Code.

3. Earlier vide order dated 24.01.2024 passed in Cr. Misc.
No. 55035 of 2023 the prayer for grant of bail to the petitioner
was rejected by a coordinate Bench of this Court.

4. Learned counsel for the petitioner mainly submitted
that the petitioner has been languishing in jail since 23.01.2023
and there is no significant progress in the trial and there is no
likelihood of conclusion of trial in near future and therefore,



petitioner may be released on bail. Learned counsel further submitted that continued incarceration of the petitioner without conclusion of the 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. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. Other similarly situated co-accused has been granted bail on second attempt by this Court vide order dated 12-09-2025, passed in Cr. Misc. No. 37685 of 2025.

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

6. As per the report dated 12.09.2025 sent by the learned court below, the trial is running for prosecution evidence and trial is likely to be concluded within a period of eight to ten months.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, since from perusal of the report of the court below, it appears that there is no likelihood of the trial being concluded in the near future, claim based on parity 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 Bela P.S. Case No. 23 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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