

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57745 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- MIRGANJ District- Gopalganj

Pahwari Singh @ Payhari Singh @ Pawhari Singh Son of Late Harishankar
Singh R/O Village - Kabilaswa (Bhojhata), P.S.- Mirganj, District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate

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

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

ORAL ORDER

2 13-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
connection with Mirganj P.S. Case No.187 of 2024 (Sessions
Trial No. 328 of 2025) instituted for the offences under Sections
307, 326, 120-B & 34 of the Indian Penal Code and Section 27
of the Arms 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 31-01-2025 passed in Cr. Misc. No. 5561 of 2025.

4. Learned counsel for the petitioner submits that the
petitioner is languishing in judicial custody since 30-09-2024



without any rhymes or reason, having no criminal antecedent. Learned counsel for the petitioner mainly submits that charge in this case is framed and no witness has been examined hitherto. Learned counsel for the petitioner next 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.

5. Learned APP for the State opposes the prayer for grant of bail.

6. 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.

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 Mirganj P.S. Case No.187 of 2024 (Sessions Trial No. 328 of 2025), 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.

8. Interlocutory application, if any, shall stand disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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