

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60639 of 2025

Arising Out of PS. Case No.-114 Year-2023 Thana- SURSAND District- Sitamarhi

Chandan Kumar S/o Jitan Ray R/o Village- Amaana, P.S.- Sursand, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
		Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Virendra Kumar, Advocate

**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 as also learned counsel for the informant.

2. The petitioner seeks bail in connection with
Sursand P.S. Case No. 114 of 2023 instituted for the offence
under Sections 304(B), 149, 302 & 34 of the Indian Penal Code.
Earlier vide order dated 20-07-2024, passed in Cr. Misc. No.
20679 of 2024, regular bail of the petitioner was rejected by a
Co-ordinate Bench of this Court with a liberty to renew the
prayer after one year if the trial is not concluded.

3. Learned counsel for the petitioner submits that the
present one is the second attempt for grant of regular bail to the
petitioner. It is mainly submitted that charge in this case is



framed and till date, only no witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-01-2024, 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.

4. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

5. A report was called for from the court below and it is reported that charge has been framed in this case on 26.09.2024 and at present case is pending for prosecution evidence. It is further reported that trial is likely to be concluded within a period of one year.

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 as also there being no likelihood of the trial being concluded in the near future, 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 Sursand P.S. Case No. 114 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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