

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60598 of 2025

Arising Out of PS. Case No.-17 Year-2000 Thana- SALAKHUA District- Saharsa

Laxmi Choudhry @ Lakshmi Choudhry @ Laxmi Chaudhari S/o Nar Singh
Choudhry R/o Village- Tajpur Ghaurmaha, Ward No. 7, P.S.- Salkhua,
District- Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

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

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

ORAL ORDER

3 10-10-2025 Heard Mr. Pramod Mishra, learned counsel for the
petitioner and Ms. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with S.T.
No. 43 of 2025, arising out of Salkhua P.S. Case No. 17 of 2000
instituted for the offences under Sections 364, 365, 448 & 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 21.11.2024, passed in Cr. Misc. No. 71871 of 2024, taking
into account the nature and the gravity of the offence.

4. In compliance of the order dated 29.08.2025, 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 four out of six charge sheet witnesses have been examined. It is further reported that trial is likely to be concluded within a period of three months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 23.01.2024 without any rhymes or reason, having no criminal antecedent. Learned counsel submits that prime witness – informant and victim have been examined and they have not supported the prosecution case. 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.T. No. 43 of 2025, arising out of Salkhua P.S. Case No. 17 of 2000, 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	
---	--	---	--

