

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64678 of 2025

Arising Out of PS. Case No.-166 Year-2024 Thana- ALAMNAGAR District- Madhepura

Kundan Singh S/o Kripal Singh Resident of Village- Khapur, P.S.- Alamnagar
(Ratwara O.P.), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

ORAL ORDER

3 31-10-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Alamnagar (Ratwara O.P.) P.S. Case No. 166 of 2024, instituted
for the offences under Sections 302, 120B 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 by this Court vide order dated
07.04.2025 passed in Cr. Misc. No. 11341 of 2025 considering
the specific allegation against the petitioner of firing upon the
deceased.

4. In compliance of the order dated 09.09.2025, a
report dated 23.09.2025 with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that charge has not been framed against the petitioner in this case.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 05.09.2024 without any rhymes or reason and has got no criminal antecedent. It is further submitted that charge-sheet has been submitted in this case. Learned counsel for the petitioner next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments.

6. Learned APP 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, the period of custody undergone by 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 *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Alamnagar (Ratwara O.P.) P.S. Case No. 166 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)

Rajorshi/-

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