

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70225 of 2025

Arising Out of PS. Case No.-1199 Year-2023 Thana- KHAGARIA District- Khagaria

Rambali Sharma S/o Sukhdeo Sharma Resident of Village- Jhamta, P.S.-
Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

3 17-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Session Trial Case No. 123 of 2025 arising out of Khagaria (Muffasil) P.S. Case No. 1199 of 2023 instituted for the offence under Sections 302 & 34 of the Indian Penal Code. Earlier vide order dated 10-07-2024, passed in Cr. Misc. No. 44498 of 2024, anticipatory bail of the petitioner was dismissed as withdrawn on account of petitioner being arrested. Again vide order dated 04.04.2025, passed in Cr. Misc. No. 90061 of 2024, regular bail of the petitioner was rejected by this Court, taking into account the nature of accusation and the gravity of the offence.

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, no witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 26-06-2024, having one 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. Learned counsel pertinently submits that similar co-accused has been enlarged on bail by this Court vide order dated 30-06-2025, passed in Cr. Misc. No. 42096 of 2025.

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

5. 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 the fact that similarly situated co-accused person has been enlarged on bail by this court after the first rejection order of the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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 Session Trial Case No. 123 of 2025 arising out of Khagaria (Muffasil) P.S. Case No. 1199 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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