

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68996 of 2025

Arising Out of PS. Case No.-45 Year-2024 Thana- KARJA District- Muzaffarpur

Rakesh Kumar Thakur @ Rajesh Kumar @ Binnu Thakur @ Binnu S/o Shivji
Thakur R/o Village -Rupwara, P.S - Kajra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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

ORAL ORDER

3 28-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with S.Tr.
No. 777 of 2024 arising out of Karja P.S. Case No. 45 of 2024
instituted for the offence under Sections 147, 148, 149, 302,
201, 120B of the Indian Penal Code.

3. Earlier vide order dated 13.11.2024 passed in Cr.
Misc. No. 56591 of 2024, regular bail of the petitioner was
rejected by this Court considering the nature and severity of
offence with a liberty to renew the prayer after nine months 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 four witnesses have been examined out of seven charge-sheeted witnesses and the same is evident from the stage report of the trial sent by learned court below pursuant to order dated 22.09.2025. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.06.2024. 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 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, 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S.Tr. No. 777 of 2024 arising out of Karja P.S. Case No. 45 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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