

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74090 of 2025

Arising Out of PS. Case No.-708 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Vivek Kumar son of Sanjay Chaudhary Resident Of Village- Bhabua , Ward
no. 17, P.s.- Bhabua , District -Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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

ORAL ORDER

2 17-10-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Session Trial Case No. 63 of 2024 arising out of Bhabhua P.S. Case No. 708 of 2023 instituted for the offence under Section 302 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 & 35 of the Arms Act. Earlier vide order dated 28-06-2024, passed in Cr. Misc. No. 35369 of 2024, regular bail of the petitioner was rejected by this Court with a liberty to renew the prayer after nine months if the trial is not concluded. Again, vide order dated 08.07.2025, passed in Cr. Misc. No. 29605 of 2025, regular bail of the petitioner was rejected by this Court with a liberty to renew after two months if trial is not concluded.



3. Learned counsel for the petitioner submits that the present one is the third attempt for grant of regular bail to the petitioner. It is mainly submitted that charge in this case is framed and one witness still remained to be examined, which is evident from the impugned order itself. It has been submitted on behalf of the petitioner that the petitioner is in custody since 23-11-2023, 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 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/- (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. 63 of 2024 arising out of Bhabhua P.S. Case No. 708 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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