

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84885 of 2025

Arising Out of PS. Case No.-305 Year-2023 Thana- ROSHANGANJ District- Gaya

Suraj Bhuiyan @ Suraj Rikiyasan S/O Late Munarik Bhuiyan Resident of
Mohalla- Diguriya, P.S. Roushanganj (Bankebazar), District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

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

ORAL ORDER

2 12-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Roushanganj (Bankebazar) P.S. Case No. 305 of 2023, instituted
for the offence under Sections 302 and 201/34 of the Indian
Penal Code.

3. Earlier vide order dated 31.07.2024 passed in Cr.
Misc. No. 40339 of 2024, regular bail of the petitioner was
rejected by this Court considering the nature of accusation
against the petitioner and the gravity of the offence with a
liberty to renew the prayer after one year, 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 no witnesses has been 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 09.11.2023. 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 Roushanganj (Bankebazar) P.S. Case No. 305 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)

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