

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13056 of 2026

Arising Out of PS. Case No.-108 Year-2015 Thana- RANIGANJ District- Araria

Sanjeev Paswan @ Dara Paswan @ Dara S/o Late Chandradeep Paswan @
Chandradeo Paswan R/o Village - Khokhsi Shyam, P.S - Gwalpara, District -
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. NK Agrwal, Sr. Adv
	:	Mr. Pawan Kumar, Adv
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with Raniganj

P.S. Case No. 108 of 2015 registered for the offences under
Section 302/34 of the IPC and Section 27 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody
since 27.10.2023.

4. This is the second successive bail petition of
petitioner after rejection of his first prayer of bail through Cr. Misc.
No. 36503 of 2024 dated 31.01.2025, wherein this Court directed
to learned trial court as to conclude the trial preferably within a
year. It is submitted that petitioner is in custody for more than two
years and still matter is pending for examination of prosecution
witnesses. It is submitted that petitioner cannot be kept behind bar
for indefinite period of time in want of trial. It is submitted that
right of speedy trial is a fundamental right in view of Article 21 of
the Constitution of India, which appears breached in present case,



in view of aforesaid delay. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon & Ors Vs. Home Secretary, State of Bihar, [1980 (1) SCC 98]**. It is further argued that out of 11 prosecution witnesses only 6 prosecution witnesses have been examined. It is submitted that material witnesses have already examined and, therefore, chance of threatening of witnesses also not appears available in this case and there is no any flight risk.

5. Explaining criminal antecedent it is pointed out that petitioner out of 22 criminal cases pending against him, effectively found involved in 7 cases only, as from para 3 of the bail petition, from case no. 1 to 13 he was not sent up for facing trial, whereas in case no. 21 and 22 he has already been acquitted by the learned trial court and therefore, he effectively found involved in 7 cases from case no. 14-20, where he is on bail. It is submitted that merely on the ground of criminal antecedents prayer of bail of petitioner should not ordinarily be rejected, in support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh and Another, [(2020) 11 SCC 648]**.

6. In view of aforesaid factual submission and by taking



note of fact as petitioner remains in custody since 27.10.2023 i.e., more than two years, where still this matter is pending for examination of prosecution witnesses despite direction of this Court suggesting that trial of this case is not likely to conclude in the near future, which also prima-facie suggests, violation of fundamental right *qua* speedy trial, accordingly petitioner above named, is directed to be released on bail in connection with Raniganj P.S. Case No. 108 of 2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IVth, Araria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS with further conditions:-

- (i) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bold of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.
- (ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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