

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23017 of 2026

Arising Out of PS. Case No.-229 Year-2022 Thana- EKMA District- Saran

Sumit Kumar Rai @ Sumit Rai @ Sumit Kumar S/o Janak Rai R/o Village -
Radhiya, P.S - Maharajganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

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

ORAL ORDER

2 03-04-2026 Heard Mr. Chandra Mohan Jha, learned counsel for
the petitioner and Mrs. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with Ekma
P.S. Case No. 229 of 2022, instituted for the offences under
Sections 302, 201, 120(B) of the Indian Penal Code.

3. This is the third attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by a co-ordinate Bench of this Court
vide order dated 11.10.2023 passed in Cr. Misc. No. 72457 of
2022 taking into consideration the nature of allegation and was
again rejected by this Court vide order dated 13.10.2025 passed
in Cr. Misc. No. 71191 of 2025 taking into account the present
stage of trial.



4. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 04.07.2022 without any rhymes or reason and has got no criminal antecedent. It is submitted that regular bail of the petitioner was dismissed by this Court vide order dated 13.10.2025 passed in Cr. Misc. No. 71191 of 2025 in which he was granted observation to renew his prayer for bail before the Trial Court if the trial is not concluded within a period of three months and it was submitted that out of ten charge-sheeted witnesses, only seven witnesses have been examined in this case, but there is no any progress in the trial till date. Learned counsel for the petitioner next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, present stage of the case, the period of custody undergone by 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.

7. 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 Ekma P.S. Case No. 229 of 2022, 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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