

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28395 of 2026

Arising Out of PS. Case No.-3 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Deepak Kumar @ Doctor @ Dipak Kumar Son of William Kumar Raut
Resident of village Bhatwan, Police Station - Hasanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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

ORAL ORDER

5 21-07-2026 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Samastipur (Muffasil) P.S. Case No. 03 of 2019, instituted for
the offences punishable under Sections 302, 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that co-accused
persons allegedly, pursuant to a criminal conspiracy, lured the
informant's husband on the pretext of repaying money,
intoxicated him, and thereafter committed his murder.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No



incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of self-confession made before the police in Patepur P.S. Case No. 16 of 2019 and the same has got no evidentiary value. It is next submitted that the petitioner has been made accused in this case after two years of the alleged occurrence. No specific allegation has been attributed against the petitioner. It is submitted that charge has already been framed against the petitioner on 30.10.2024 and till date no any witness has been examined in this case. The petitioner is in custody since 17.03.2021 and has got five criminal antecedents. Learned counsel for the petitioner further 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, 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 Samastipur (Muffasil) P.S. Case No. 03 of 2019, 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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