

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35645 of 2026

Arising Out of PS. Case No.-795 Year-2024 Thana- DIGHA District- Patna

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Raushan Kumar@ David Son of Sri Niranjan Rai Resident of village-
Panapur Diara, P.S.- Akilpur, District- Saran, At present resident of village-
Ramjichak Bataganj, Gandhi Gali, P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Amresh Kumar Sinha, Advocate

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

ORAL ORDER

2 19-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Digha
P.S. Case No. 795 of 2024 instituted for the offence under
Sections 109 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and
Section 27 of the Arms Act. Earlier vide order dated 28.07.2025,
passed in Cr. Misc. No. 20661 of 2025, anticipatory bail of the
petitioner was rejected by a Co-ordinate Bench of this Court.
Again vide order dated 03.02.2026, passed in Cr. Misc. No.
7969 of 2026, regular bail of the petitioner was rejected by this
Court, with liberty to renew his prayer for bail if the trial is not
concluded within a period of three months from the date of



receipt/production of a copy of this order.

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 witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.09.2025, having two (2) criminal antecedents. 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 Digha P.S. Case No. 795 of 2024, 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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