

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37631 of 2026

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

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Dharmendra Kumar @ Dharmendra Sahni Son of Ram Ishwar Sahni Resident
of Village and P.O.- Dharampur, P.S.- Vaishali, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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

ORAL ORDER

2 19-06-2026 Heard learned counsel for the petitioner and Mrs.
Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with
Vaishali Town P.S. Case No. 1052 of 2019, instituted for the
offence under Sections 395, 397, 412, 201 and 120(B) of the
Indian Penal Code.

3. Earlier, on four occasions, lastly vide order dated
01.08.2025 passed in Cr. Misc. No. 7238 of 2025, regular bail of
the petitioner was rejected by this Court considering the present
stage of the trial with a liberty to renew the prayer after six
months if the trial is not concluded.

4. Learned counsel for the petitioner submits that
the present one is the fifth attempt for grant of regular bail to the



petitioner. It is mainly submitted that charge in this case is framed and till date, out of 40 prosecution witnesses, 13 witnesses have been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.12.2019. 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.

5. Learned A.P.P. 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, 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.

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 Vaishali Town
P.S. Case No. 1052 of 2019, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or
close member.

(II) The petitioner shall appear on each and every date
fixed during the trial and shall not remain absent on two
consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the
prosecution evidence or influence/intimidate any witness during
the course of trial.

(IV) The Petitioner shall not commit offence of a
similar nature in future.

(V) The Petitioner shall not leave the territorial
jurisdiction of the learned court below without prior permission
of the court concerned.

In case of violation of any of the aforesaid
conditions, the Trial Court shall be at liberty to cancel the bail
bonds of the petitioner.

(Rudra Prakash Mishra, J)

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