IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53492 of 2026

CNR No. BRHC010639982026

Arising Out of PS. Case No.-172 Year-2023 Thana- IMAMGANJ District- Gaya

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Raju Thakur @ Raju Kumar Son of Lakhan Thakur Resident of Vill -Malahari PS -Imamganj Dist -Gaya

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sessions Case No. 811 of 2024 arising out of Imamganj P.S. Case No. 172 of 2023 instituted for the offence under Sections 304B/34 of the Indian Penal Code. Earlier vide order dated 28.08.2024, passed in Cr. Misc. No. 27177 of 2024, regular bail of the petitioner was rejected by a Co-ordinate Bench of this Court.

3. As per prosecution case, the petitioner and other co-accused persons are alleged to have killed the informant's daughter due to non-fulfillment of demand of motorcycle as

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dowry.

4. 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 three out of five witnesses have been examined, which is evident from a report dated 16.09.2026, received from the Court below. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.06.2023, having no criminal antecedent. 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,

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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/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Case No. 811 of 2024 arising out of Imamganj P.S. Case No. 172 of 2023, 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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