

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78543 of 2025

Arising Out of PS. Case No.-7 Year-2023 Thana- TARIYANI CHAPRA PS District- Sheohar

Surendra Rai Son of Nantun @ Sri Nantun Rai R/o Village - Kumhrar, P.S. -
Tariyani Chapra, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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

ORAL ORDER

3 09-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Tariyani Chhapra P.S. Case No. 07 of 2023 instituted for the
offence under Sections 304B, 201 & 34 of the Indian Penal.
Earlier vide order dated 21-02-2025, passed in Cr. Misc. No.
67432 of 2024, regular bail of the petitioner was rejected by this
Court.

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 trial has not concluded till
date. It has been submitted on behalf of the petitioner that the
petitioner is in custody since 29-08-2023. Learned counsel



Tariyani Chhapra P.S. Case No. 07 of 2023 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. Earlier vide order dated 14.11.2025, a report was called for from the court below and vide report dated 20.11.2025, it is reported that ten out of eleven witnesses have been examined in this case.

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/- (Fifteen Thousand) with two sureties



of the like amount each to the satisfaction of Court below/concerned Court in connection with Tariyani Chhapra P.S. Case No. 07 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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