IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78761 of 2026

CNR No. BRHC011123482026

Arising Out of PS. Case No.-20 Year-2025 Thana- TRAFFIC P.S. SITAMARHI District-Sitamarhi

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Baban Rai @ Baban Ray Son of Badari Rai R/o Village- Parwara, P.S.- Belsar, District- Vaishali.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 05-11-2026 Heard the parties.

2. The petitioner seeks bail in connection with Sitamarhi Traffic P.S. Case No. 20 of 2025 registered for the offence under Sections 281, 125(A), 125(B), 105 of BNS.

3. The petitioner is named in the F.I.R. and is in custody since 11.05.2025.

4. The allegation against the petitioner is to dash one battery auto *riksha* causing death of two passengers, wherein it is alleged that petitioner was driving a truck bearing registration no. BR 06 GG 8351 of Ashok Leyland Company under the influence of alcohol in very rash and negligent manner.

5. Learned counsel appearing on behalf of the petitioner submitted that the cause for rash and negligent driving

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as per FIR was "influence of alcohol" but immediately upon arrest no medical test of petitioner was done as to ascertain that in actual petitioner was under influence of alcohol, therefore, the allegation is primarily non-convincing.

6. It is submitted that one of the co-accused who was the helper of the truck namely, Mukesh Kr. Yadav has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 76979 of 2026 dated 28.10.2026. It is submitted that despite remaining in custody for one year and ten months, not even a single prosecution witness was examined in this matter and certainly the petitioner cannot be kept behind bar for indefinite period of time in want of trial. In support of his submission learned counsel submitted that the right *qua* speedy trial is the fundamental right as available under Article 21 of Constitution of India. In this context learned counsel relied upon the legal reports of Hon'ble Supreme Court as available through ***Hussainara Khatton and Ors. vs. Home Secretary, State of Bihar [(1980) 1 SCC 81: 1980 SCC (Cri) 23]*** and ***Pardeep Kumar @ Banu vs. State of Punjab [2026 LiveLaw (SC) 302].*** While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, for which

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charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. In view of aforesaid factual submission and by taking note of fact as *prima-facie* no medical report is available on record as to suggest that petitioner was under influence of alcohol as alleged, coupled with fact that not even a single witness was examined in this case despite being in custody of petitioner i.e., since 11.05.2025, suggesting that trial is not likely to be concluded in near future, accordingly petitioner above named, is directed to be released on bail in connection with Sitamarhi Traffic P.S. Case No. 20 of 2025 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Session Judge, IX, Sitamarhi /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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