

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80986 of 2025

Arising Out of PS. Case No.-1018 Year-2019 Thana- NAGAR District- Vaishali

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Dharmendra Rai @ Dharmendra Gope @ Dharmendra Kumar @ Hero Son of
Late Abhilakh Rai Resident of Village- Khapura, P.S.- Bidhupur, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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

ORAL ORDER

3 13-02-2026 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 1018 of 2019, instituted for the offences
punishable under Section 394 of the Indian Penal Code.

3. The prosecution case, in short, is that some
miscreants entered into the office of Bharat Finance Private Ltd.
and on the point of pistol they looted Rs. 3 lakh cash, hard disk
of CCTV camera, one motorcycle of the staff and fled away
from the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submitted that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Nishant Jha and the same has got no evidentiary value. It is next submitted that no T.I. parade has been conducted in this case. The petitioner is in custody since 14.12.2020 and has got thirty five criminal antecedents. Learned counsel for the petitioner next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. In compliance of the order dated 21.11.2025, a report dated 12.12.2025 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that charge has been framed against the petitioner on 13.11.2025 and summons have been issued on 27.11.2025



against the prosecution witnesses. Out of nine charge-sheeted witnesses, only one witness has been examined in this case. It is further reported that the trial is likely to be concluded within a period of four months.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by 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.

8. 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 Hajipur Town P.S. Case No. 1018 of 2019, subject to the following conditions:

(I) One of the bailors shall be wife of the petitioner.

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

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.



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

(V) The petitioner shall not leave the territorial jurisdiction of the learned Court below without taking prior permission of the Court concerned.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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