

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80014 of 2025

Arising Out of PS. Case No.-71 Year-2023 Thana- KIUL RAIL P.S. District- Lakhisarai

Ganesh Kumar @ Ganesh Ram S/o- Ram Chandra Ram @ Bhakku Ram R/o -
Brindavan, P.S - Kiul, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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

ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rail
Kuil P.S. Case No. 71 of 2023, instituted for the offences under
Sections 302 and 34 of the Indian Penal Code.

3. This is the third attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by a co-ordinate Bench of this Court
vide order dated 18.12.2023 passed in Cr. Misc. No. 65177 of
2023 taking into account the nature of allegation and was again
rejected by this Court vide order dated 27.01.2025 passed in Cr.
Misc. No. 77935 of 2024

4. In compliance of the order dated 21.11.2025, a
report dated 16.12.2025 with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that out of six charge-sheeted witnesses, only four witnesses have been examined in this case. It is further reported that the trial is likely to be concluded within a period of six months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 02.05.2023 without any rhymes or reason and has got no criminal antecedent. 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.

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

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 Rail Kuil P.S. Case No. 71 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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