

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81253 of 2025

Arising Out of PS. Case No.-162 Year-2022 Thana- BAKHARI District- Begusarai

Raushan Kumar S/O Satyendra Mahato @ Natho Mahato R/O Vill.- Ward No.
03, Chhoti Rani Sakarpura, Rani Shakarpura, P.S- Gangaur, Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, 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 Session Trial Case No. 45 of 2023 arising out of Bakhari P.S. Case No. 162 of 2022 instituted for the offence under Sections 302/120(B) & 34 of the Indian Penal Code and Section 27 of the Arms Act. Earlier vide order dated 12-03-2024, passed in Cr. Misc. No. 68617 of 2023, regular bail of the petitioner was rejected by this Court, taking into account the fact that there being specific and direct allegation against the petitioner, which is serious in nature.

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 seven (7) out of fifteen (15) charge sheet witnesses have been examined in this case, including the prime witness, informant. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.07.2022. 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.

4. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

5. 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.

6. 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 Session Trial Case No. 45 of 2023 arising out of Bakhari P.S. Case No. 162 of 2022, 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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