

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79576 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- EKMA District- Saran

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Brajendra Singh @ Ravindra Sing @ Brajendra Kumar Singh Son of Late
Harinarayan Singh R/o Village- Galimapur, P.S.- Ekma, District- Saran at
Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP
For the Informant	:	Mr. Bindhyanchal Singh, Sr. Advocate
		Mr. Ram Binod singh, Advocate

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

ORAL ORDER

3 06-02-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Ekma
P.S. Case No. 369 of 2024, instituted for the offences under
Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. This is the second attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by this Court vide order dated
05.05.2025 passed in Cr. Misc. No. 2560 of 2025 taking into
account the direct allegation against the petitioner.



4. In compliance of the order dated 21.11.2025, a report dated 09.12.2025 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that the charge has been framed against the petitioner on 05.12.2025, and out of six prosecution witnesses, no any witness has been examined in this case. It is further reported that the trial is expected to be concluded within a period of twelve months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 16.10.2024 without any rhymes or reason and has got four 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.

6. Learned APP for the State and learned counsel for the informant have 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, present stage of the case 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 Ekma P.S. Case No. 369 of 2024, 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.

(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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