

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78793 of 2025

Arising Out of PS. Case No.-16 Year-2023 Thana- KHUSRUPUR District- Patna

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Dhananjay Singh @ Dhananjay Prasad @ Dhananjay Kumar Son of Sri Shlok
Singh R/o Village - Malpur, P.S - Khusrupur, District - Patna.... . Petitioner/s
Versus

The State of Bihar. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 90990 of 2025

Arising Out of PS. Case No.-16 Year-2023 Thana- KHUSRUPUR District- Patna

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Jitendra Kumar S/O Lalan Singh Resident of Village- Malpur Police Station-
Khushrupur, District- Patna. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 78793 of 2025)

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

For the Informant : Ms. Komal, Advocate

(In CRIMINAL MISCELLANEOUS No. 90990 of 2025)

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

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

For the Informant : Ms. Komal, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-02-2026

Cr. Misc. No. 78793 of 2025

The present petition is the second successive bail
petition of the petitioner after rejection of the first prayer of bail
through Cr. Misc. No. 46078 of 2024 dated 13.12.2024.

2. The accused/petitioner is named in FIR and is in
custody since 25.08.2023.

3. Mr. P.N. Shahi, learned senior counsel appearing on
behalf of the petitioner submitted that while rejecting the first



prayer of bail as mentioned aforesaid, it was directed to the learned trial court that the trial be concluded positively within nine months. It is pointed out that petitioner is in custody for about two and half years and only two prosecution witnesses were examined till date. It is submitted by Mr. Shahi that the petitioner cannot be kept behind bar in want of trial for indefinite period. It is submitted that such inordinate delay as to conclude trial is suggesting the violation of fundamental right of petitioner *qua* speedy trial as available under article 21 of the Constitution of India and in support of his submission, Mr. Shahi relied upon the legal report of Hon'ble Supreme Court as available through ***Hussainara Khatoon and Others Vs. Home Secretary, State of Bihar***, reported in ***1980(1)SCC 98***.

4. Learned APP duly assisted by learned counsel Ms. Komal, appearing on behalf of the informant, while opposing the prayer of bail could not disputed the aforesaid progress of trial and the custody period as submitted by Mr. Shahi.

5. Considering the aforesaid factual submissions and by taking note of fact as the petitioner remains in custody for about two and half years i.e. since 25.08.2023 coupled with the fact that progress of trial categorically suggest that same is not likely to conclude in near future suggesting *prima facie* violation of



fundamental right *qua* speedy trial of petitioner as available under Article 21 of the Constitution of India, accordingly, petitioner above named, is directed to be released on bail in connection with Sessions Trial No. 780 of 2023 and Sessions Trial No. 23 of 2024 arising out of Khusrupur P.S. Case No. 16 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV, Patna City, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

Cr. Misc. No. 90990 of 2025

1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner apprehending his arrest in connection with Khushrupur P.S. Case No. 16 of 2023 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.
3. As per FIR, petitioner alongwith other named co-accused persons alleged to open indiscriminate firing, where during occurrence, son of the informant was shot dead.
4. It is submitted by learned counsel appearing on



behalf of the petitioner that the thrust of allegation is available against co-accused Dhananjay Singh and this petitioner was only alleged to be a part of mob during the occurrence. Considering the aforesaid aspect, police after concluding investigation submitted closure report *qua* petitioner but learned jurisdictional magistrate, merely on the ground that petitioner was named with FIR, took cognizance against this petitioner. It is submitted that the investigation of this case is already concluded on all material aspects and, therefore, sending this petitioner behind bar shall not serve any purpose of justice.

5. Learned APP, duly assisted by learned counsel Ms. Komal, appearing on behalf of the informant, while opposing the prayer of bail submitted that this petitioner was the part of mob.

6. In view of aforesaid factual submissions and by taking note of fact as police after investigation submitted closure report *qua* petitioner after concluding investigation, coupled with the fact *prima facie* maximum allegation against petitioner appears only being part of mob, accordingly, above named petitioner, who is a man of clean antecedent in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Sessions Judge-III, Patna City/concerned Court, where the case is pending in connection with Khushrupur P.S. Case No. 16 of 2023 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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