

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91636 of 2025

Arising Out of PS. Case No.-311 Year-2022 Thana- SANGRAMPUR District- East
Champaran

=====

Rahul Kumar Son of Rajkishore Ram Resident of Village - Rajapur Ahiraulia,
P.S.- Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

=====

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

ORAL ORDER

2 17-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sangrampur P.S. Case No. 311 of 2022, instituted for the
offences under Sections 363, 365 of the Indian Penal Code and
later on Section 302 of the Indian Penal Code was added.

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
17.12.2024 passed in Cr. Misc. No. 42462 of 2024 taking into
consideration the nature of accusation and the gravity of the
offence as also the stage of trial.

4. Learned counsel for the petitioner submits that the



petitioner is languishing in judicial custody since 23.09.2022 without any rhymes or reason and has got no criminal antecedent. It is further submitted that the trial is in progress and out of seven charge-sheeted witnesses, only five witnesses have been examined in this case. 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. 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.

7. 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 Sangrampur P.S.
Case No. 311 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)

Rajorshi/-

U		T	
---	--	---	--

