

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18848 of 2025

Arising Out of PS. Case No.-111 Year-2023 Thana- DHANAHA District- West Champaran

Hira Yadav @ Heera Yadav S/O Late Ramdhari Yadav R/O Village- Musahari
Baina Bazar, P.S- Dhanaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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

ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 46 of 2024 arising out of Dhanaha P.S. Case No. 111 of 2023 instituted for the offence under Sections 302 & 34 of the Indian Penal Code. Earlier vide order dated 01-05-2024, passed in Cr. Misc. No. 18562 of 2024 regular bail of the petitioner was rejected by this Court.

3. Prosecution case in short is that on the alleged date and time of occurrence, some miscreants cut the belly of the father and the mother of the informant using sharp edged weapon.

4. Learned counsel for the petitioner submits that the



present one is the second attempt of the petitioner for grant of bail. Learned counsel for the petitioner mainly contended that petitioner has been languishing in jail from 25-09-2023 and charges have been framed in this case. It is next submitted 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 the Hon'ble Apex Court in plethora of judgments.

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

6. A report was called for from the Trial Court and it is reported that charge in this case is framed on 25-10-2024 and no witness is examined hitherto.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and also taking 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. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 46 of 2024 arising out of Dhanaha P.S. Case No. 111 of 2023, 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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