

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49257 of 2025

Arising Out of PS. Case No.-161 Year-2016 Thana- MAJHAULIA District- West Champaran

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Madan Yadav Son of Late Ramji Yadav Resident of village - Dumari
Mahanwa, P.S.- Majhauria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Mayank Raj, Advocate
		Mr. Rahul Singh, Advocate
For the Opposite Party/s :		Mr. Manoj Kumar, APP

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

ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Session Trial Case No. 55 of 2025 arising out of Majhauria P.S.
Case No. 161 of 2016 instituted for the offence under Sections
302, 307, 324, 323, 341, 147, 148, 149 & 504 of the Indian
Penal Code. Earlier vide order dated 19-11-2024, passed in Cr.
Misc. No. 62316 of 2024, regular bail of the petitioner was
rejected by this Court.

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 charge in this case is



framed and till date, no witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04-05-2024, having no antecedent. 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. A report was called for from the court below and it is reported that charge in this case is framed and no witness is examined hitherto.

6. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no likelihood of the trial being concluded in the near future 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/- (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. 55 of 2025 arising out of Majhaulia P.S. Case No. 161 of 2016, 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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