

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51063 of 2025

Arising Out of PS. Case No.-627 Year-2023 Thana- JHAJHA District- Jamui

Surendra Yadav Son of Bhuna Yadav @ Chando Yadav Resident of Village -
Jalgorwa, P.S.- Gidhour, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

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

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

ORAL ORDER

3 12-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Session Trial Case No. 267 of 2024 arising out of Jhajha P.S. Case No. 627 of 2023 instituted for the offence under Sections 147, 149, 341, 323, 379, 365, 504 & 506 of the Indian Penal Code (IPC). Subsequently, Sections 302, 364(A) & 120(B) of the IPC. Earlier vide order dated 10-01-2025, passed in Cr. Misc. No. 43449 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, only two witnesses out of ten have been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04-01-2024, having no criminal 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 from the court below and it is reported the two out of ten charge-sheet witnesses have been examined.

6. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there is 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. 267 of 2024 arising out of Jhajha P.S. Case No. 627 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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