

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68659 of 2025

Arising Out of PS. Case No.-135 Year-2023 Thana- MADHAURAH District- Saran

Kunal Kumar @ Kunal Prasad Yadav Son of Rajendra Rai Resident of Village
and P.O.- Silhauri, P.S.- Marhaurah, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ved Prakash Srivastava, Advcoate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 14-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Madhaura P.S. Case No. 135 of 2023 registered for the offences
punishable under Sections 341, 323, 324, 307, 354, 379, 504/34
of the Indian Penal Code.

3. As per prosecution case, petitioner is said to
have assaulted the informant's son by means of knife as a result
of which informant's son sustained injuries on his head and
neck.

4. Learned counsel for the petitioner submits that
prayer of bail of the petitioner has already been rejected on
merit on 04.10.2024 with an observation that if the trial is not
concluded within nine months, petitioner may renew his prayer



for bail. He further submits that petitioner is in custody since 03.05.2024 and he bears no criminal antecedent. He further submits that petitioner has spent near about one year and six months in custody and not a single witness has been examined. He further submits that there is case and counter case between the parties and free fighting between the parties cannot be ignored. He further submits that petitioner and informant are next door neighbor. He further submits that there is land dispute between the parties and in cases of land dispute facts are generally exaggerated to make the offence graver. He further submits that the delay of trial is not attributable to the present petitioner as he is in custody since 03.05.2024.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that the prayer for bail of the petitioner has already been rejected on merit on 04.10.2024 with an observation that if the trial is not concluded within nine months, petitioner may renew his prayer for bail but he conceded to the submission of the learned counsel for the petitioner that petitioner has spent near about one year and six months in custody.

6. In pursuance of the direction given by this Court, the learned trial court vide letter no. 226 dated



13.10.2025 has sent its report which reveals that not a single witness has been examined.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, period of custody undergone by the petitioner is near about one year and six months and not a single witness has been examined, trial is not likely to be concluded in near future and delay of trial is not attributable to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Session Judge XVII, Chapra in connection with Sessions Trial No. 994 of 2024 arising out of Madhaura P.S. Case No. 135 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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