

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65589 of 2025

Arising Out of PS. Case No.-173 Year-2024 Thana- Cyber P.S. District- Gaya

Harshit Purnima @ Harsit Purnima Son of Jay Prakash Pandey @ Jai Prakash Pandey Resident of Village- Chaparda Road, Paluhar, P.S.- Magadh Medical, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Gaya Cyber P.S. Case No. 173 of 2024 instituted for the offence under Sections 318(4), 319(2), 336(3), 338, 340(2), 111 & 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(c) & 66 (D) of the I.T. Act. Earlier vide order dated 27-03-2025, passed in Cr. Misc. No. 16071 of 2025, 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 not framed till date. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 01-12-2024, 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. It is pertinently submitted that similar co-accused has been enlarged on bail by this Court vide order dated 22-08-2025, passed in Cr. Misc. No. 59236 of 2025.

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

5. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity 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 Gaya Cyber P.S. Case No. 173 of 2024, 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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