

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71505 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- GURUA District- Gaya

Vinesh Yadav S/o Deocharan Yadav R/o Village- Kendua, P.S.- Gurua,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

3 01-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Gurua P.S. Case No. 162 of 2024 instituted for the offence under Sections 341, 323, 325, 326, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code. Subsequently, Section 302 of the IPC was also added. Earlier vide order dated 25-04-2025, passed in Cr. Misc. No. 13323 of 2025, regular bail of the petitioner was rejected by this Court, taking into account the fact that injured has specifically attributed the allegation against the petitioner.

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 is even not framed



in this case is framed. It has been submitted on behalf of the petitioner that the petitioner is in custody since 26-11-2024, 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. In compliance of the order dated 08.10.2025, a report dated 30.10.2025, with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that cognizance in this case is taken on 29.10.2025. It is further reported that case record is committed to the court of sessions.

6. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner 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 and there is no likelihood the trial being concluded in the near future, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, 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 Gurua P.S. Case No. 162 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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