

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82607 of 2025

Arising Out of PS. Case No.-148 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Sushant Kumar @ Sushant Singh S/O Bulbul Singh @ Rajesh Kumar Singh
Resident of Mohalla - New Colony, Ward No.- 13, P.S- Saharasa, District-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

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

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

ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Saharsa Sadar PS Case No. 148 of 2025 instituted for the offence under Sections 109 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act. Earlier vide order dated 13-05-2025, passed in Cr. Misc. No. 28911 of 2025, regular bail of the petitioner was rejected by this Court, taking into account the nature of accusation and the gravity of the offence.

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 on 07.10.2025 and till date, only no witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05-02-2025. 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. 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, this Court is inclined to grant bail to the petitioner.

6. 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 Saharsa Sadar PS
Case No. 148 of 2025, 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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