

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84972 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- NAUHATTA District- Saharsa

Mukesh Yadav @ Mukesh Kumar S/o Umesh Yadav R/o Village - Bhargama
(Bhargawan), P.S - Bheja, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shailendra Kumar Singh, Advocate
	Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Md. Mushtaque Alam, A.P.P.

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

ORAL ORDER

2 12-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Nauhatta (Darhar O.P) P.S. Case No. 126 of 2024, instituted for
the offence under Sections 302, 201/34, 120(B) of the I.P.C.

3. Earlier vide order dated 22.03.2025 passed in Cr.
Misc. No. 88103 of 2024, regular bail of the petitioner was
rejected by this Court considering the nature of accusation and
the gravity of the offence, with a liberty to renew the prayer
after six months if the trial is not concluded.

4. 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, case has not been committed to the court of



session. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.09.2024. 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.

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

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, 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nauhatta



(Darhar O.P) P.S. Case No. 126 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)

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