

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85328 of 2025**

Arising Out of PS. Case No.-361 Year-2023 Thana- GOPALPUR District- Bhagalpur

Rajesh Yadav @ Karwa @ Karua Yadav @ Kare Yadav Son of Late Mahendra Yadav R/o Village - Harnathchak, P.S. - Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

**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 Gopalpur P.S. Case No. 361 of 2023 instituted for the offence under Sections 147, 148, 149, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier vide order dated 17.05.2024 passed in Cr. Misc. No. 23875 of 2024, regular bail of the petitioner was rejected by this Court considering the nature and gravity of offence. Subsequently, vide order dated 17.01.2025 passed in Cr. Misc. No. 78682 of 2024, the prayer for grant of bail to the petitioner was rejected. Further, vide order dated 21.08.2025 in Cr. Misc. No. 58952 of 2025, the prayer for grant of bail to the



petitioner was rejected for the third time with a liberty to renew his prayer for bail if the trial is not concluded within a period of two months. This is the fourth attempt of the petitioner for grant of bail.

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 this is the fourth attempt of the petitioner for grant of bail and only seven witnesses have been examined till date and the last witness was examined on 22.01.2025. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.10.2023. 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalpur P.S. Case No. 361 of 2023, 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)**

Alok Verma/-

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