

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86381 of 2025

Arising Out of PS. Case No.-549 Year-2023 Thana- GOPALPUR District- Bhagalpur

Gautam Yadav @ Gautam Kumar Yadav son of Brahamdev Yadav Village
-Tintenga Karari, Ps- 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 : Mr. N.N. Tiwary, APP

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

ORAL ORDER

2 12-12-2025 Heard Mr. Ranjan Kumar Jha, learned counsel for the
petitioner and Mr. N.N. Tiwary, learned APP for the State.

2. The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 549 of 2023 instituted for the offence
under Sections 341, 323, 307, 504, 506 & 34 of the Indian Penal
Code (IPC). Subsequently, Section 302 of the IPC was also
added. Earlier vide orders dated 24.04.2024 & 24.02.2025,
passed in Cr. Misc. No. 30743 of 2024 & Cr. Misc. No.90090 of
2024, respectively, regular bail of the petitioner was rejected by
this Court with a liberty in last rejection order to renew the
prayer after six months if the trial is not concluded.

3. Learned counsel for the petitioner submits that the
present one is the third attempt for grant of regular bail to the



petitioner. It is mainly submitted that charge in this case is framed and till date, no witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10-11-2023, 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. 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 Gopalpur P.S. Case No. 549 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)

Raj Kishore/-

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