

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1788 of 2026

Arising Out of PS. Case No.-304 Year-2024 Thana- HALSI District- Lakhisarai

Nitish Kumar S/o Rajesh Yadav R/o Village- Lalganj, P.S.- Chewara, District-Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

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

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

ORAL ORDER

2 17-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Halsi
P.S. Case No. 304 of 2024, instituted for the offences under
Section 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. This is the second attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by this Court vide order dated
22.07.2025 passed in Cr. Misc. No. 44779 of 2025 taking into
consideration the nature of accusation and the gravity of the
offence.

4. Learned counsel for the petitioner submits that the
petitioner is languishing in judicial custody since 26.04.2025



without any rhymes or reason and has got four criminal antecedents. It is also submitted that charge has not been framed against the petitioner. Learned counsel for the petitioner next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments. It is further submitted that other co-accused has been granted regular bail by this Court vide order dated 12.11.2025 passed in Cr. Misc. No. 77437 of 2025.

5. Learned APP 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, the period of custody undergone by 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 ***after framing of charge, if not already framed***, 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 Halsi P.S. Case No. 304 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)

Rajorshi/-

U		T	
---	--	---	--

