

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6472 of 2026

Arising Out of PS. Case No.-278 Year-2023 Thana- BARACHATTI District- Gaya

Manoj Kumar Sharma S/o- Nemchand Thakur @ Chamari Thakur Resident of
Village- Savarchak, Tola Simra, P.S.- Mohanpur, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, A.P.P.

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

ORAL ORDER

3 18-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
S.Tr. No. 705 of 2023, arising out of Barachatti P.S. Case No.
278 of 2023, instituted for the offence under Section 304(B) of
the Indian Penal Code.

3. Earlier vide order dated 22.01.2025 passed in Cr.
Misc. No. 68339 of 2024, regular bail of the petitioner was
rejected by this Court considering the specific allegation against
the petitioner, 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, no witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.03.2023 and he has got 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.

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

6. In compliance of the order dated 30.01.2026 a report dated 09.02.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that the trial is running at the stage of prosecution evidence. It is further reported that the Court has issuedailable warrants, execution report ofailable warrants. Summon to I.O and Doctor were issued and a non-ailable warrant has been issued to the witnesses on 07.02.2026. It is further reported that the trial would be concluded within nine months.

7. 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.

8. 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 Barachatti P.S. Case No. 278 of 2023, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

(IV) The Petitioner shall not commit offence of a similar nature in future.

(V) The Petitioner shall not leave the territorial



jurisdiction of the learned court below without prior permission
of the court concerned.

In case of violation of any of the aforesaid conditions,
the Trial Court shall be at liberty to cancel the bail bonds of the
petitioner.

(Rudra Prakash Mishra, J)

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