

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8209 of 2026

Arising Out of PS. Case No.-149 Year-2024 Thana- DHANAHA District- West Champaran

Manish Sharma @ Manish Son of Shambhu Sharma @ Shambhu R/O Village
- Khalaritola, P.S.- Dhanaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, A.P.P.

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

ORAL ORDER

3 03-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2.The petitioner seeks bail in connection with S.Tr. No.
434 of 2025, arising out of Dhanaha P.S. Case No. 149 of 2024,
instituted for the offence under Sections 103(1) and 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. Earlier, on two occasions, vide order dated 02.12.2024
passed in Cr. Misc. No. 70409 of 2024 and vide order dated
06.08.2025 passed in Criminal Miscellaneous No. 36498 of
2025, regular bail of the petitioner was rejected by this Court
considering the nature and gravity of the offence, with a liberty
to renew the prayer after five months if the trial is not
concluded.

4. 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, only three prosecution witnesses have been examined in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.07.2024. 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. In compliance of the order dated 03.02.2026 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 out of seven prosecution witnesses, four prosecution witnesses have been examined in this case. It is further reported that the trial would be concluded within three 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 Dhanaha P.S. Case No. 149 of 2024, 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.

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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