

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10774 of 2026

Arising Out of PS. Case No.-156 Year-2023 Thana- PIRPAINTI District- Bhagalpur

Md. Najam @ Md. Nazam Son of Md. Khalil @ Sekh Khalil Resident of
Village- Pirpainti Bazar, P.S.- Pirpainti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, A.P.P.

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

ORAL ORDER

2 23-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Pirpainti P.S. Case No. 156 of 2023, instituted for the offence
under Sections 304(B) and 328/34 of the Indian Penal Code.

3. Earlier, on two occasions, vide order dated
20.07.2024 passed in Cr. Misc. No. 23929 and vide order dated
14.11.2025 passed in Criminal Miscellaneous No. 64425 of
2025, regular bail of the petitioner was rejected by this Court
considering the material available on the record, with a liberty
to renew the prayer after one month, 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 trial has not been concluded. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.05.2023. 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.

5. Learned A.P.P. 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, 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.

7. 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 Pirpainti P.S.



Case No. 156 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)

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