

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9873 of 2026

Arising Out of PS. Case No.-143 Year-2024 Thana- SARMERA District- Nalanda

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Kundan kumar S/O Dinesh Das R/O Village- Jagdishpur, P.S- Jairampur,
District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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

ORAL ORDER

2 13-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Session Trial Case No. 55 of 2025 arising out of Sarmera P.S.
Case No. 143 of 2024 instituted for the offence under Sections
103, 238, 61(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.
Earlier vide orders dated 19.02.2025 & 04.07.202 passed in Cr.
Misc. No. 82562 of 2024 & Cr. Misc. No. 44721 of 2025,
regular bail of the petitioner was twice rejected by this Court
with a liberty 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, only five (5) witnesses have been examined, which is evident from the impugned order itself. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.07.2024, 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 Session Trial Case No. 55 of 2025 arising out of Sarmera P.S. Case No. 143 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)

Raj Kishore/-

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