

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11029 of 2026

Arising Out of PS. Case No.-456 Year-2024 Thana- RAHUI District- Nalanda

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Bittu Yadav @ Bittu Kumar Yadav S/o Arjun Yadav R/o Kayampur, P.S.-
Rahui, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, 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 Rahui
P.S. Case No. 456 of 2024 instituted for the offence under
Sections 190, 191(2), 191(3), 126(2), 115(2), 109 & 118(2) of
the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms
Act. Earlier vide order dated 04.07.2025, passed in Cr. Misc.
No. 12467 of 2025, anticipatory bail of the petitioner was
dismissed as withdrawn by this Court. Again, vide order dated
26.09.2025, passed in Cr. Misc. No. 60623 of 2025, regular bail
of the petitioner was rejected by this Court, taking into account
there being direct allegation of firing against the petitioner.

3. 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 21.06.2025, having two criminal antecedents. 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 Rahui P.S. Case No. 456 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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