

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10392 of 2026

Arising Out of PS. Case No.-393 Year-2024 Thana- SHERGHATI District- Gaya

Sonu Kumar Gupta @ Sonu Gupta S/o Munna Saw R/o Village-
Khanjahanpur, P.O- Khanjahanpur, P.S- Buniyadganj, Manpur, Dist- Gaya Ji,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Singh, A.P.P.

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

ORAL ORDER

3 11-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sherghati P.S. Case No. 393 of 2024, instituted for the offence
under Sections 309(6) and 109 of the Bharatiya Nyaya Sanhita,
2023 and Section 27 of the Arms Act.

3. Earlier vide order dated 16.04.2025 passed in Cr.
Misc. No. 4466 of 2025, regular bail of the petitioner was
rejected by this Court considering the nature and gravity of the
offence, with a direction to the court below to expedite the trial
and conclude the same expeditiously.

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, only two witnesses have been examined in this case. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Bench vide order dated 25.02.2026 passed in Cr. Misc. No. 12841 of 2026. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.08.2024. 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. 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 Sherghati P.S. Case No. 393 of 2024.

(Rudra Prakash Mishra, J)

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