

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12101 of 2026

Arising Out of PS. Case No.-354 Year-2023 Thana- RAJAOLI District- Nawada

Suresh Yadav @ Suresh Kumar Son of Late Damodar Yadav Resident of
Village- Ghasakotand, P.S.- Gadhi, District- Jamui. At present Resident of
Village- Chatkari, Tola Taratand, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, 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
S.T. No. 140 of 2024, arising out of Rajauli P.S. Case No. 354 of
2023, instituted for the offence under Sections 365 of the Indian
Penal Code, subsequently, u/s 364, 302, 201&120B of the
Indian Penal Code were also added.

3. Earlier, on two occasions, vide order dated
13.05.2024 passed in Criminal Miscellaneous No. 10805 of
2024 and vide order dated 08.08.2025 passed in Criminal
Miscellaneous No. 15669 of 2025, regular bail of the petitioner
was rejected by this Court considering the seriousness of the
case, with a liberty to renew the prayer after three 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 trial has not been concluded. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.06.2023. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Bench vide order dated 29.01.2026 passed in Cr. Misc. No. 5691 of 2026. 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 Rajauli P.S. Case No. 354 of 2023, 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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