

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11964 of 2026

Arising Out of PS. Case No.-453 Year-2024 Thana- SINGHESHWAR District- Madhepura

Nikesh Kumar S/o Deep Narayan Rajbhar @ Deep Narayan Mandal R/O
Vill.- Nishiharpur, Ward No. 01, P.S.- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pooja Prasad, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, A.P.P.

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

ORAL ORDER

3 18-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
S.T. No. 273 of 2025, arising out of Singheshwar P.S. Case No.
453 of 2024, instituted for the offence under Sections 103(1),
3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the
Arms Act.

3. Earlier vide order dated 08.08.2025 passed in Cr.
Misc. No. 38160 of 2025, regular bail of the petitioner was
rejected by this Court considering the nature of accusation and
the gravity.

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. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.02.2025. 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. In compliance of the order dated 23.02.2026, a report dated 26.02.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that out of eight witnesses, two prosecution witnesses have been examined in this case. It is further reported that the trial would be concluded within six months.

7. 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.

8. 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 S.T. No. 273 of 2025, arising out of Singheshwar P.S. Case No. 453 of 2024, 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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