

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15291 of 2026

Arising Out of PS. Case No.-260 Year-2024 Thana- MADHUBAN District- East Champaran

Muskan Alam @ Muskan Mudsbin @ Muskan Mudassir Son of Late
Mahhoom Jillani @ Late Marhoom Jillani Resident of Village- Khairava,
P.S.- Madhuban, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

3 10-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madhuban P.S. Case No. 260 of 2024, instituted for the offences
under Sections 302, 304(B) and 34 of the Indian Penal Code.

3. This is the second attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by this Court vide order dated
14.07.2025 passed in Cr. Misc. No. 35193 of 2025 taking into
consideration the fact that postmortem report corroborates the
allegation levelled in the FIR.

4. In compliance of the order dated 11.03.2026, a
report dated 04.04.2026 with regard to the present stage of trial
has been received. From perusal of the aforesaid report, it



appears that charge has been framed against the petitioner on 02.04.2026 and no any witness has been examined in this case out of eight charge-sheeted witnesses. It is further reported that the trial is likely to be concluded within a period of nine months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 24.03.2025 without any rhymes or reason and has got no criminal antecedent. Learned counsel for the petitioner next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by 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 Madhuban P.S. Case No. 260 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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