

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16752 of 2026

Arising Out of PS. Case No.-27 Year-2025 Thana- Cyber P.S. District- Purnia

Md. Sabbir @ Sabir @ Md. Saabbir Son of Md. Jahir Resident of Village - Belgachi, Ward no. -06, P.S. - Dagarua, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Niharika Rani, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-03-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Cyber P.S. Case No. 27 of 2025, instituted for the offences under Section 95 of the Bharatiya Nyaya Sanhita, 2023, read with Sections 67, 67(A), 67(B) of the I.T. Act, Sections 15(1) and 15(2) of the POCSO Act.

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 10.09.2025 passed in Cr. Misc. No. 40622 of 2025 taking into consideration the ample material against the petitioner to show his involvement in the alleged offence.



4. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 05.05.2025 without any rhymes or reason and has got no criminal antecedent. It is also submitted that earlier, liberty was granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of four months, but only one witness has been examined in this case and remaining are yet to be examined. 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.

5. Learned APP 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, 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.



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 Cyber P.S. Case No. 27 of 2025, 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)

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