

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19521 of 2026

Arising Out of PS. Case No.-239 Year-2024 Thana- BIHARIGANJ District- Madhepura

Md. Subhan S/o Md. Hakim R/o Village - Kathotiya Dharhara (Katholia Dhanhara), P.S - Bihariganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 01-07-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This is the 2nd attempt of the petitioner seeking regular bail in connection with Bihariganj P.S. Case No. 239 of 2024, registered for the offence under Sections 103(1), 351(3) & 3(5) of the B.N.S., 2023 read with Section 27 of the Arms Act.

3. Earlier, the bail application of the petitioner was rejected on 23.07.2025 in Cr. Misc. No. 19395 of 2025 which reads as follows:-

*“Heard learned counsel for the petitioner
and learned counsel for the State.*

*2. The petitioner seeks regular bail in
connection with Bihariganj P.S. Case No.239 of
2024 registered for the offence under sections
103(1), 3(5), 351(3) of the B.N.S., 2023 and
under section 27 of the Arms Act.*

3. The accused persons including the



petitioner are said to have killed the deceased. The petitioner is in custody since 24.07.2024.

4. Learned counsel for the petitioner has submitted that the petitioner is 22 years old boy and he is not involved in the killing of the deceased. He has further submitted that similarly situated co-accused namely, Md. Salamun @ Salumuddin has been granted bail by a co-ordinate Bench of this Court vide order dated 21.03.2025 passed in Criminal Miscellaneous No.87808 of 2024.

5. Considering the fact that the petitioner has made the self-inculpatory statement confessing his guilt, I am not inclined to grant him bail. Accordingly, this bail application is rejected.”

4. Learned counsel for the petitioner submits that though the petitioner is in custody since 24.07.2024 but in the trial, there has been no progress and only charge-sheet has been submitted.

5. Considering the period of custody and the delay in trial, this application for regular bail is allowed.

6. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bihariganj P.S. Case No. 239 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. with further conditions that:-



(i) The petitioner shall appear in the trial regularly either personally or through his lawyer and shall cooperate in the trial and non-cooperation in the trial shall result in cancellation of the bail bond of the petitioner.

(ii) At the time of accepting the bail bonds of the petitioner, the court below will verify the fact about the delay in trial and will accept the bail bonds, if in the trial, there has been no progress, i.e. the trial has not been proceeded after charge-sheet. If this statement is found false, appropriate order shall be passed by the court below.

7. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Sandeep Kumar, J)

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