

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17373 of 2026

Arising Out of PS. Case No.-137 Year-2024 Thana- HASANPUR District- Samastipur

Santosh Pathak Son of Rajendra Pathak R/O Village- Aatapur, P.S.- Hasanpur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

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

ORAL ORDER

3 15-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Hasanpur P.S. Case No. 137 of 2024, instituted for the offences
under Sections 103(1), 61(2) and 3(5) of the Bharatiya Nyaya
Sanhita, 2023.

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
31.07.2025 passed in Cr. Misc. No. 27194 of 2025 taking into
consideration the nature and gravity of the offence.

4. In compliance of the order dated 10.04.2026, a
report dated 28.04.2026 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 03.09.2025 and in this case, out of seven charge-sheeted witnesses, only five witnesses have been examined in this case including Investigating Officer. However one doctor and one non-official witnesses are yet to be examined. It is further reported that the trial is likely to be concluded within a period of two months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 20.12.2024 without any rhymes or reason and has got three criminal antecedents. Learned counsel for the petitioner next submits that the petitioner was granted liberty of six months to renew his prayer for bail before the learned Court below if the trial is not concluded within a period of six months. It is further submitted 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 Hasanpur P.S. Case No. 137 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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