

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19537 of 2026**

Arising Out of PS. Case No.-234 Year-2024 Thana- DUMARIAGHAT District- East  
Champaran

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Firoj @ Md. Firoj Son of Bhure Khan Resident of Village - Athsaini, P.S. -  
Garh Mukteshwar, District - Harpur at Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |                                |
|----------------------------|--------------------------------|
| For the Petitioner/s :     | Mr. Shashank Shekhar, Advocate |
| For the Opposite Party/s : | Mr. Anant Kumar 1, APP         |

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

**ORAL ORDER**

2      03-04-2026      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with S.T.  
No. 309 of 2025, arising out of Dumariaghat P.S. Case No. 234  
of 2024, instituted for the offences under Section 309(4) 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  
29.04.2025 passed in Cr. Misc. No. 8241 of 2025 taking into  
consideration the nature and gravity of the offence as also there  
being recovery of looted goods from the possession of the  
accused persons including the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 18.11.2024 without any rhymes or reason and has got two criminal antecedents. It is also submitted that earlier, liberty was granted to the petitioner to renew his prayer for bail before the Trial Court if the trial is not concluded within a period of six months, but the trial is in progress and out of five charge-sheeted witnesses, only two witnesses have been examined in this case. 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. Similarly situated co-accused has been enlarged on regular bail on second attempt vide order dated 18.03.2026, passed in Cr. Misc. No. 18240 of 2026.

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 as also charge being framed 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 S.T. No. 309 of 2025, arising out of Dumariaghat P.S. Case No. 234 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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