

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17137 of 2026

Arising Out of PS. Case No.-71 Year-2011 Thana- ROSHANGANJ District- Gaya

Roushan Kumar @ Roushan Kumar Yadav S/O Khiru Yadav R/O Village-
Nawada, P.S- Raushanganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 399, 402, 413, 414, 419 & 420 of the Indian Penal Code.

3. Learned counsel for the petitioner has submitted that this is a case of misuse. It has further been submitted that bail bond of this petitioner was cancelled on 05.11.2019. It has further been submitted that misuse has not been made willfully rather the petitioner has gone outside for earning his livelihood.

4. Learned trial court has rejected the bail petition of this petitioner on the ground that “*as the case is of the year 2011 and the bail bond was cancelled at the stage of evidence on 05.11.2019, so this court is not inclined to enlarge the petitioner on bail.*”



5. Learned counsel for the petitioner has submitted that from the order of the learned trial court it is evident that no evidence was present at that date.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge both the petitioner on bail *with the condition that the petitioner shall remain physically present on each and every date till the conclusion of the trial.* The above named petitioner is directed to be released on bail in connection with Sessions Trial No. 561 of 2013, 920 of 2023 arising out of Roshanganj P.S. Case No. 71 of 2011 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- 1st, Sherghati, Gaya Ji.

7. Before parting, it is very disheartening to note that an officer in the cadre of District & Additional Session Judge is rejecting the bail in a case of misuse. It seems that the concerned officer is either unaware of his jurisdiction or does not know how to use his discretion and to exercise jurisdiction. He should introspect.

(Ashok Kumar Pandey, J)

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