

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17337 of 2026

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

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Vikash Kumar Son of Shubhnarayan Kunwar @ Shubhnarayan Kuwar
Resident of Village- Narkatiya, Bara Chakia, Parsauni Khem, P.S.- Chakia,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

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

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**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
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
12.09.2025 passed in Cr. Misc. No. 22462 of 2025 taking into
consideration the nature and gravity of the offence.

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 no criminal antecedent. It is also submitted that earlier, liberty was granted to the petitioner to renew his prayer for grant of bail before the Trial Court if the trial is not concluded within a period of six months, but charge has already been framed against the petitioner on 08.04.2025 and all the 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.

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 has been framed against 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 Dumariaghat P.S. Case No. 234 of 2024.

8. Pending I.A., if any, stands disposed of.

(Rudra Prakash Mishra, J)

Rajorshi/-

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