

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20983 of 2026

Arising Out of PS. Case No.-583 Year-2022 Thana- MASHRAK District- Saran

Ram Babu Mahto S/O Late Hira Mahto @ Hiralal Mahto R/O Village- Doila,
P.S- Isuapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

**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
Mashrakh P.S. Case No. 583 of 2022, instituted for the offences
under Sections 272, 273, 328, 308, 304 and 120(B) of the Indian
Penal Code, read with Sections 30(a), 33 and 34 of the Bihar
Prohibition and Excise Act.

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
03.09.2025 passed in Cr. Misc. No. 47717 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 14.06.2025



without any rhymes or reason and has got four criminal antecedents. It is submitted that charge-sheet has been submitted in this case as also cognizance has been taken and charge has been framed against the petitioner. It is next submits that out of thirty-nine witnesses, only one witness has been examined in this case. Learned counsel for the petitioner further 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, charge has been framed against the petitioner, 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.

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 Mashrakh P.S. Case No. 583 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

(V) The petitioner shall not leave the territorial jurisdiction of the learned Court below without taking prior permission of the Court concerned.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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