

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23133 of 2026

Arising Out of PS. Case No.-104 Year-2024 Thana- BHEJA District- Madhubani

Sushil Kumar Yadav S/O Tirpit Narayan Yadav @ Tirpeet Narayan Yadav @
Tripti Narayan Yadav R/O Village- Darah Nawtoliya, P.S.- Bheja, District-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s :	Mr. Tapeswar Sharma, APP
For the Informant :	Mr. Gagandeo Yadav, Advocate
	Mr. Udeshya Kumar Yadav, Advocate
	Mr. Vinod Kumar, Advocate

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Bheja
P.S. Case No. 104 of 2024, instituted for the offences under
Sections 329(4), 126(2), 115(2), 118, 109, 75, 303(2), 324(4),
352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and later
on added Section 103 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
07.08.2025 passed in Cr. Misc. No. 50898 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 07.05.2025 without any rhymes or reason and has got no criminal antecedent. It is submitted that earlier regular bail of the petitioner was dismissed by this Court vide order dated 07.08.2025 passed in Cr. Misc. No. 50898 of 2025 with an observation that the petitioner will be at liberty to renew his prayer before the learned Court below if the trial is not concluded within a period of six months. It is next submitted that out of fifteen witnesses, only five witnesses have 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 and learned counsel for the informant have 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 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 Bheja P.S. Case No. 104 of 2024, 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. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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