

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24257 of 2026

Arising Out of PS. Case No.-70 Year-2024 Thana- HABIBPUR District- Bhagalpur

Md. Chhotu @ Chhotu @ Md. Shahbaz @ Shahbaz S/o- Md. Tetar @ Md. Shahid @ Md. Sahid @ Tetar Village- Asanandpur Jhoparpatti PS- Tetarpur Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 15-05-2026 Heard learned counsel for the petitioner and Ms. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with S.Tr. No. 852 of 2024, arising out of Habibpur P.S. Case No. 70 of 2024, instituted for the offence under Sections 302/34 of the Indian Penal Code.

3. Earlier, vide order dated 05.03.2025 passed in Cr. Misc. No. 15536 of 2025 and vide order dated 08.10.2025 passed in Criminal Miscellaneous No. 71268 of 2025, regular bail of the petitioner were rejected by this Court considering the nature of accusation and the gravity of the offence with a liberty to renew the prayer after five months if the trial is not concluded.

4. Learned counsel for the petitioner submits that



the present one is the third attempt for grant of regular bail to the petitioner. It is mainly submitted that charge in this case is framed and till date, only seven witnesses have been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.07.2024. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel goes on to submit 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 is reiterated by Hon'ble Apex Court in plethora of judgments.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. In compliance of the order dated 17.04.2026, a report dated 24.04.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that the case is running at the stage of prosecution evidence. It is further reported that out of eleven Charge-sheeted witnesses, seven witnesses, including informant and Doctor, have been examined.

7. Considering the aforesaid facts and



circumstances of the case, period of custody of 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.

8. 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 Habibpur P.S. Case No. 70 of 2024, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

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

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

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

(V) The Petitioner shall not leave the territorial



jurisdiction of the learned court below without prior permission
of the court concerned.

In case of violation of any of the aforesaid
conditions, the Trial Court shall be at liberty to cancel the bail
bonds of the petitioner.

(Rudra Prakash Mishra, J)

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