

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22021 of 2026

Arising Out of PS. Case No.-1 Year-2025 Thana- BARAULI District- Gopalganj

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Rajan Kumar S/O Late Raju Sah R/O Village- Sidhwaliya, P.S-
Mohammadpur, Distt.-Gopalganj. At present Village- Gulam Hussain Tola,
P.S- Manjhagarh, Distt.- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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**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 Barauli
P.S. Case No. 01 of 2025, instituted for the offences under
Sections 319(2), 318(4), 317(5) of the Bharatiya Nyaya Sanhita,
2023 and read with Section 66(i)(ii) of the Information
Technology Act, 2000.

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
12.05.2025 passed in Cr. Misc. No. 28069 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 07.01.2025 without any rhymes or reason and has got no criminal antecedent. It is submitted that charge-sheet has been submitted in this case as also charge has also been framed against the petitioner on 07.10.2025. It is next submitted that out of six witnesses, only one witness has been examined in this case. Other co-accused has been granted regular bail by this Court vide order dated 25.02.2026 passed in Cr. Misc. No. 13286 of 2026. 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, 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 Barauli P.S. Case No. 01 of 2025, 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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