

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30961 of 2026

Arising Out of PS. Case No.-768 Year-2024 Thana- AMARPUR District- Banka

Mithun Yadav @ Prince Kumar @ Prince @ Prince Kr S/o Late Gopal Yadav
Resident Of Village- Badi Mirzapur, Ps - Kasim Bazar, Dist- MUNGER,
Presently residing at vill - Badi Jankipur, P.S.- Amarpur, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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

ORAL ORDER

2 01-05-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Session Trial Case No. 62 of 2025 and Session Trial No. 42 of
2026 arising out of Amarpur P.S. Case No. 768 of 2024
instituted for the offence under Sections 310(4), 310(5) & 111 of
the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-B)a, 26,
35 & 27 of the Arms Act. Earlier vide order dated 05.08.2025,
passed in Cr. Misc. No. 35334 of 2025, regular bail of the
petitioner was rejected by this Court with a liberty to renew the
prayer after six months if the trial is not concluded.

3. Learned counsel for the petitioner submits that the
present one is the second attempt for grant of regular bail to the
petitioner. It is mainly submitted that charge in this case is



framed and till date, two (2) out of nine (9) witnesses have been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.03.2025, having nineteen (19) criminal antecedents. 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.

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

5. 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.

6. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Session Trial Case No. 62 of 2025 and Session Trial No. 42 of 2026 arising out of Amarpur P.S. Case No. 768 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.

(III) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(IV) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

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

(Rudra Prakash Mishra, J)

Raj Kishore/-

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