

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24139 of 2026

Arising Out of PS. Case No.-107 Year-2024 Thana- KORANSARAI District- Buxar

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Tunna Mahto @ Tuna Mahto @ Gupteshwar Singh @ Gupteshwar S/o
Chhote Mahto R/o Village - Kanjharua, P.S - Koran Sarai, District - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shankar Yadav S/o Late Triveni Yadav R/o Village and P.O - Kanjharua, P.S
- Koran Sarai, District - Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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

ORAL ORDER

4 03-07-2026 Heard learned counsel for the petitioner and learned APP

for the State. Despite valid service of notice, none appears for

the informant.

2. The petitioner seeks bail in connection with Koran

Sarai P.S. Case No. 107 of 2024 instituted for the offence under

Sections 137(2), 96 & 3(5) of the Bharatiya Nyaya Sanhita,

2023 and Section 8 of the POCSO Act. Earlier vide order dated

22-07-2025, passed in Cr. Misc. No. 18827 of 2025, regular bail

of the petitioner was rejected by this Court, taking into account

the nature of accusation and the gravity of the offence.

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 six (6) out of eight (8) witnesses have been examined in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.11.2024. 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.

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 Koran Sarai P.S. Case No. 107 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)

Raj Kishore/-

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