

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30265 of 2026

Arising Out of PS. Case No.-23 Year-2023 Thana- BELA District- Sitamarhi

MD. SARFARAZ @ MD. SARFARAJ @ SARFARAZ S/o Md. Chulhai @
Md. Chulhai R/o vill - Parsa, ward no. 4, P.S.- Bela, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anita Kumari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, 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 S.Tr.
No.164 of 2024 arising out of Bela P.S. Case No. 23 of 2023
instituted for the offence under Sections 364A, 34, 120B of the
Indian Penal Code.

3. Earlier vide order dated 13.12.2023 passed in Cr.
Misc. No. 57549 of 2023 and again vide order dated 29.08.2025
passed in Cr. Misc. No. 15568 of 2025, the anticipatory and
regular bail of the petitioner, respectively, were rejected by this
Court considering the serious nature of allegation.

4. 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 has been framed and only one witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.01.2024. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel for the petitioner further submits that the co-accused person has already been granted bail by this Court vide order dated 12.09.2025 passed in Cr. Misc. No. 37685 of 2025. 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. 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.

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 S.Tr. No.164 of 2024 arising out of Bela P.S. Case No. 23 of 2023, 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)

Alok Verma/-

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