

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26047 of 2026

Arising Out of PS. Case No.-614 Year-2024 Thana- FATUA District- Patna

Vikash Kumar S/o Arvind Ray R/o Village - Vikrampur, P.S. - Fatuha, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 15-05-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with S.Tr. No. 2444 of 2025, arising out of Fatuha P.S. Case No. 614 of 2024, instituted for the offence under Sections 80(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Earlier, vide order dated 23.09.2025 passed in Cr. Misc. No. 57603 of 2025, regular bail of the petitioner was rejected by this Court considering the nature of allegation and gravity of the offence with a direction to the learned Court below to expedite the trial and conclude the same expeditiously.

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 has not been



framed in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.09.2024. 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 06.05.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that the present stage of the trial is on appearance. Seven witnesses are to be examined. The expected time of concluding the trial is approximately six months after conclusion of deposition.

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 Fatuha P.S. Case No. 614 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.

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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