

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28628 of 2026

Arising Out of PS. Case No.-430 Year-2024 Thana- TEGHRHA District- Begusarai

Gulshan Kumar S/o Bhushan Singh R/o vill - Madhurapur South tola, ward
no. 27, P.s.- Teghra, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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

ORAL ORDER

3 03-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Session Trial Case No. 964 of 2025 arising out of Teghra P.S.
Case No. 430 of 2024 instituted for the offence under Sections
109 of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the
Arms Act. Earlier vide order dated 15.05.2025, passed in Cr.
Misc. No. 18337 of 2025, anticipatory bail of the petitioner was
rejected by a Co-ordinate Bench of this Court. Again vide order
dated 12.08.2025, passed in Cr. Misc. No. 54008 of 2025,
regular bail of the petitioner was rejected by this Court, taking
into account 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 till date, no witness has been examined in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.06.2025, having one criminal antecedent. 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. 964 of 2025 arising out of Teghra P.S. Case No. 430 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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