

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27666 of 2026

Arising Out of PS. Case No.-583 Year-2022 Thana- MASHRAK District- Saran

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Rajeev Kumar @ Rajeev Kumar Srivastawa @ Rajiv Kumar S/o Ashok
Kumar Srivastava R/o vill - Swastik Amarawati, P.s.- Ramnagar, Distt.-
Varanashi, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mrs. Meena Singh, APP

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**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
Mashrakh P.S. Case No. 583 of 2022, instituted for the offences
under Sections 272, 273, 328, 308, 304, 120B of the Indian
Penal Code, read with Sections 30(a), 33 and 34 of the Bihar
Prohibition and Excise Act.

3. This is the second attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by this Court vide order dated
11.09.2025 passed in Cr. Misc. No. 65644 of 2025 taking into
consideration the nature of allegation and gravity of the offence.



4. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 12.08.2025 without any rhymes or reason and has got three criminal antecedents. It is submitted that out of thirty-nine witnesses, only three witnesses have been examined in this case. It is further submitted that other co-accused has been granted regular bail by this Court vide order dated 03.04.2026 passed in Cr. Misc. No. 20983 of 2026. Learned counsel for the petitioner next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments.

5. Learned APP 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, the period of custody undergone by 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 Mashrakh P.S. Case No. 583 of 2022, 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)

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