

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27948 of 2026

Arising Out of PS. Case No.-189 Year-2024 Thana- VAISHALI District- Vaishali

Saroj Kumar S/o Ravindra Paswan R/o Village - Majhauri Chakmasjid, P.S. -
Vaishali(Belsar O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Janardan Prasad Singh, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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

ORAL ORDER

5 24-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Vaishali P.S. Case No. 189 of 2024, instituted for the offences
punishable under Sections 363, 366, 506 and 34 of the Indian
Penal Code.

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
17.06.2025 passed in Cr. Misc. No. 11914 of 2025 taking into
consideration the nature of accusation and the gravity of the
offence.



4. In compliance of the order dated 03.07.2026, a report dated 09.07.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that the trial is at the stage of prosecution evidence and charge has already been framed against the petitioner. It is further reported that all the witnesses have already been summoned.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 19.11.2024 without any rhymes or reason and has got no criminal antecedent. 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.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. 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.

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 Vaishali P.S. Case No. 189 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 and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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