

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30878 of 2026

Arising Out of PS. Case No.-28 Year-2025 Thana- PARWALPUR District- Nalanda

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1. Md. Mumtaz S/o- Md. Razi Ahmad Village- Mafi PS-Ashthawan District- Nalanda, Bihar
 2. Md. Saddam Quraishi S/o- Md. Baudhu Quraishi Village- Mafi PS- Ashthawan District- Nalanda, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioners seek bail in connection with Parwalpur P.S. Case No. 28 of 2025, instituted for the offence under Sections 309(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. Earlier, vide order dated 11.11.2025 passed in Cr. Misc. No. 52138 of 2025, regular bail of the petitioners was rejected by this Court considering the recovery of theft articles from the house of the petitioners with a liberty to renew the prayer after four months, if the trial is not concluded.

4. Learned counsel for the petitioners submits that the present one is the second attempt for grant of regular bail to the petitioners. It is mainly submitted that charge in this case is



framed and till date four witnesses have been examined, which is evident from the impugned order itself. It has been submitted on behalf of the petitioners that the petitioners are in custody since 01.03.2025. Learned counsel further submits that other co-accused has been granted bail by this Bench on 15.10.2025 passed in Criminal Miscellaneous No. 51146 of 2025. 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 petitioners 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 petitioners.

6. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and taking into account the fact that continued detention of the petitioners 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 petitioners.

7. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen



Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Parwalpur P.S. Case No. 28 of 2025.

(Rudra Prakash Mishra, J)

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