

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32301 of 2026

Arising Out of PS. Case No.-303 Year-2024 Thana- HALSI District- Lakhisarai

Nitish Kumar S/O Rajesh Yadav R/O Village- Lalganj, PS -Chewara, Distt-Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Sahay, Advocate
Ms. Harshita, Advocate
Ms. Mandavi Kumari, Advocate
Ms. Aadya Dipti, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-05-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with S. T. No. 2 of 2026 arising out of Halsi P.S. Case No. 303 of 2024 instituted for the offence under Section 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. Earlier, vide order dated 16.09.2025 passed in Cr. Misc. No. 44572 of 2025, regular bail of the petitioner was rejected by this Court considering the nature of allegation, gravity of offence and materials available in the case diary with a liberty to renew the prayer after six months if the trial was not concluded.



4. Learned counsel for the petitioner submits that earlier, vide order dated 16.09.2025 passed in Cr. Misc. No. 44572 of 2025, regular bail of the petitioner was rejected by this Court with liberty to the petitioner to renew the prayer for grant of bail after six months. Learned counsel for the petitioner submits that in light of the said observation, the petitioner has preferred the second regular bail application. It is mainly submitted that charge has been framed in this case on 29.01.2026 but no any witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.04.2025. 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 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. Considering the aforesaid facts and circumstances of the case as also the period of custody of the petitioner, 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 S. T. No. 2 of 2026 arising out of Halsi P.S. Case No. 303 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)

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