

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34707 of 2026

Arising Out of PS. Case No.-536 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Milan Kumar @ Milan Kumar Singh @ Amit Kumar Singh S/O Panchanand Singh @ Panch Lal Singh Resident of Village- Sadhopur, P.S- Bosi, P.S- Rangra, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-05-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with S.T. No. 348 of 2024 arising out of Saharsa Sadar P.S. Case No. 536 of 2024 instituted for the offence under Sections 304B, 120B, 302 of the Indian Penal Code.

3. Earlier, vide order dated 27.01.2025 passed in Cr. Misc. No. 78026 of 2024 the prayer of the petitioner for grant of bail was rejected, considering the nature and gravity of offence. Again, vide order dated 12.12.2025 passed in Cr. Misc. No. 84359 of 2025, the prayer for grant of bail to the petitioner was rejected with a liberty to renew the prayer after four months if the trial is not concluded.



4. Learned counsel for the petitioner submits that the petitioner has preferred the present application, i.e., the third application for grant of bail in the light of the observation granted by this Court vide order dated 12.12.2025 passed in Cr. Misc. No. 84359 of 2025 to renew his prayer for bail after a period of four months. Learned counsel for the petitioner referring to paragraph no. 14 submits that only six witnesses have been examined, out of total nine charge-sheeted witnesses. He further submitted that the informant himself has not supported the case of the prosecution. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.06.2024 and has no 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.

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, 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.

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. 348 of 2024 arising out of Saharsa Sadar P.S. Case No. 536 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)

Alok Verma/-

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