

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40456 of 2026

Arising Out of PS. Case No.-47 Year-2025 Thana- TEKARI District- Gaya

Shiv Kumar Prasad @ Sheo Kumar Singh @ Diwali @ Diwali Singh S/o Late
Raghubir Singh R/o vill - Nomi, P.s.- Tekari, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Saroj Devi W/o Late Ajay Prasad R/o vill - Jafra, P.S.- Belaganj, Distt.
- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

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

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

ORAL ORDER

2 19-06-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Tekari P.S. Case No. 47 of 2025, instituted for the offence under
Sections 127(1), 127(2), 115(2), 85, 87, 61, 80 and 23 of the
Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the
Dowry Prohibition Act, 1961.

3. Earlier, vide order dated 09.09.2025 passed in
Cr. Misc. No. 40553 of 2025, regular bail of the petitioner was
rejected by this Court considering the nature of allegation and
gravity of the offence, with a liberty to renew the prayer after
five months if the trial is not concluded.



4. Learned counsel for the petitioner submits that the present one is the second attempt for grant of regular bail to the petitioner. It is mainly submitted that up till now charge has not been framed and only Charge-Sheet has been submitted. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.01.2025. He further submits that Co-accused has been granted regular bail by this Bench vide order dated 15.09.2025 passed in Criminal Miscellaneous No. 44217 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 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 Tekari P.S. Case No. 47 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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