

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36062 of 2026

Arising Out of PS. Case No.-518 Year-2025 Thana- BARH District- Patna

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Kundan Kumar S/o Late Tarni Yadav Resident of village -Lakhachak, P.S.-
Belachhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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**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 Barh
P.S. Case No. 518 of 2025 instituted for the offence under
Sections 317(5) & 3(5) of the Bharatiya Nyaya Sanhita, 2023,
Section 30(a) of the Bihar Prohibition and Excise Act and
Sections 25(1-B)a, 26 & 35 of the Arms Act. Earlier vide order
dated 18.12.2025, passed in Cr. Misc. No. 81444 of 2025,
regular bail of the petitioner was rejected by this Court with a
liberty to renew the prayer after four months if the trial is not
concluded.

3. 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 charge in this case is framed and till date, only four (4) out of the six (6) witnesses have been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.09.2025, having one 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.

4. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

5. 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.

6. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties



of the like amount each to the satisfaction of Court below/concerned Court in connection with Barh P.S. Case No. 518 of 2025, 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)

Raj Kishore/-

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