

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35488 of 2026

Arising Out of PS. Case No.-766 Year-2024 Thana- KOTWALI District- Patna

Manoj Kumar @ Guchhu @ Manoj Das S/o Sri Ram Babu Das Resident of
Mohalla- Chiraiyatar, Postal Park, Budh Nagar, Road No.1, P.S.- Kankarbagh,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

**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
Kotwali P.S. Case No. 766 of 2024 (Session Trial No. 1356 of
2025) instituted for the offences under Section 137(2) of the
Bharatiya Nyaya Sanhita, 2023. Subsequently, Sections 111(1)
and 3(5) of the BNS were added.

3. This is the second attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected on merit by this Court vide order
dated 30.10.2025, passed in Cr. Misc. No. 28022 of 2025, taking
into account the gravity and nature of the offence as alleged
against the petitioner as also the materials available in the case



diary.

4. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 12.11.2024 without any rhymes or reason, having one criminal antecedent. It is mainly submitted that charge in this case is framed and till date, only three witnesses have been examined. 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 APP for the State opposes the prayer for grant of bail.

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/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwali P.S. Case No. 766 of 2024 (Session Trial No. 1356 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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