

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36965 of 2026

Arising Out of PS. Case No.-265 Year-2024 Thana- GHORASAHAN District- East
Champaran

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Rupesh Kumar @ Rupesh Yadav S/o Harendra Rai @ Harendra Ray R/o
Village - Baswariya, P.S. - Ghorahasan, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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

ORAL ORDER

3 17-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Ghorasahan P.S. Case No. 265 of 2024 instituted for the offence
under Sections 394 & 397 of the Indian Penal Code and Section
27 of the Arms Act. Earlier vide order dated 26.09.2025, passed
in Cr. Misc. No. 42916 of 2025, regular bail of the petitioner
was rejected by this Court, taking into account there being
ample material against the petitioner in the case diary to show
his involvement in the alleged occurrence.

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, no witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.06.2024, having six (6) criminal antecedents. 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Ghorasahan P.S.
Case No. 265 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 and shall not remain absent on two consecutive
dates without sufficient cause.

(III) The petitioner will not tamper with the evidence
or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar
nature in future.

(V) Petitioner shall not leave the territorial
jurisdiction of the learned Court below without taking prior
permission of the court concerned.

If any of the above conditions are violated, the Trial
Court shall be at liberty to cancel the bail bonds of the
petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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