

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78316 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Niraj Kumar S/o Dayanand Mandal Resident of Village- Laxmipur Pakra, PS-
Naugachia, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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

ORAL ORDER

3 09-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Naugachia P.S. Case No. 268 of 2024, instituted for the offences
under Sections 190, 191(3), 126(2), 103(1), 109(1), 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

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 by this Court vide order dated
23.04.2025 passed in Cr. Misc. No. 4390 of 2025 taking into
consideration the nature and gravity of the offence.

4. In compliance of the order dated 13.11.2025, a
report dated 08.12.2025 with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that the case is at the stage of appearance of accused persons.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 06.09.2024 without any rhymes or reason and has got no criminal antecedent. Learned counsel for the petitioner next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, having no criminal antecedent 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.

8. 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 Naugachia P.S. Case No. 268 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)

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