

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83980 of 2025

Arising Out of PS. Case No.-338 Year-2024 Thana- MINAPUR District- Muzaffarpur

Neelu Kumar @ Nilu Kumar S/O Virendra Ray @ Virendra Kumar R/O
Village- Turki Khararu, P.S- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Renu Kumari, APP

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

ORAL ORDER

4 18-03-2026 Heard Mr. Alok Kumar Alok, learned counsel for the
petitioner and Mrs. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with
Minapur P.S. Case No. 338 of 2024, instituted for the offences
under Section 109 of the Bharatiya Nyaya Sanhita, 2023, read
with Sections 25(1-B)(a), 26, 27 and 35 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
16.04.2025 passed in Cr. Misc. No. 20294 of 2025 taking into
consideration the specific allegation of firing against the
petitioner supported by the medical report.

4. In compliance of the order dated 06.02.2026, a
report dated 11.02.2026 with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that out of ten witnesses, no any witness has been examined in this case. It is further reported that the trial is likely to be concluded within a period of six months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 24.10.2024 without any rhymes or reason and has got no criminal antecedent. It is also submitted that charge has already been framed against the petitioner on 15.12.2025. 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, the present stage of the case as also charge has been framed against 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.

8. Let the petitioner be released on bail *after framing of charge, if not already framed*, 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 Minapur P.S. Case No. 338 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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