

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4670 of 2025**

Arising Out of PS. Case No.-158 Year-2022 Thana- SHANKARPUR District- Madhepura

Umesh Sahani Son of Narayan Sahani Resident of Village - Chirhara Ward  
No. 17, P.S. - Mashrakh, District - Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Paswan Son of Badri Paswan Resident of Village - Birkhi, Ward no.  
25, P.S. - Mashrakh, District - Madhepura.

... .. Respondent/s

**Appearance :**

|                          |   |                                                                |
|--------------------------|---|----------------------------------------------------------------|
| For the Appellant/s      | : | Mr. N. K. Agrawal, Sr. Advocate<br>Mr. Kumar Rajdeep, Advocate |
| For the Respondent/s     | : | Mr. Binay Krishna, SPP                                         |
| For the Respondent No.2: | : | None                                                           |

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

ORAL ORDER

5      10-04-2026                      Heard learned senior counsel for the appellant and  
  
learned SPP for the State. Learned SPP for the state has  
  
informed the Respondent No. 2 of this case but none appears on  
  
behalf of the said Respondent.

2.      The instant appeal has been filed by the appellant  
against the order dated 26.09.2025 passed by learned 1<sup>st</sup>  
Additional District and Session Judge-cum-Exclusive Special  
Judge, Madhepura whereby the prayer for bail of the appellant  
in connection with Shankarpur P.S. Case No. 158 of 2022 under  
Sections 302, 201, 392/34 of the Indian Penal Code, read with



Section 3, 2(v) of SC/ST Act was rejected.

3. This is the second attempt of the appellant for bail. The appellant has renewed his prayer for grant of regular bail which was earlier dismissed by this Court vide order dated 04.12.2024 passed in Cr. Appeal (SJ) No. 3223 of 2023 taking into consideration the confessional statement of the appellant which further supported by the post-mortem report.

4. In compliance of the order dated 09.02.2026, a report dated 18.02.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that out of ten charge-sheeted witnesses, only two witnesses have 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 appellant submits that the appellant is languishing in judicial custody since 19.09.2022 without any rhymes or reason and has got one criminal antecedent in which he is on bail. Learned counsel for the appellant next submits that the continued incarceration of the appellant 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 SPP for the State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellant and taking into account the fact that continued detention of the appellant 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 allow this appeal. Accordingly, the appeal is allowed and order dated 26.09.2025 passed by learned 1<sup>st</sup> Additional District and Session Judge-cum-Exclusive Special Judge, Madhepura is hereby set aside.

8. Let the appellant 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 Shankarpur P.S. Case No. 158 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant 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 appellant.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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