

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84612 of 2025

Arising Out of PS. Case No.-250 Year-2024 Thana- BIRPUR District- Supaul

Mithun Kumar S/o Ashok Kumar Yadav @ Ashok Yadav Resident of Village-
Jirwa, Ward No. 02, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Jyoti Singh, Adv
	:	Mr. Arvind Kumar, Adv
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-02-2026 Present is second successive bail of petitioner after

dismissal of his prayer of bail, which was dismissed as

withdrawn through Cr. Misc. No. 13833 of 2025 dated

21.08.2025. In view of aforesaid background the present

successive petition was preferred mainly on two grounds:-

(a). Firstly, trial of the present case was not

concluded within six months as directed through Cr. Misc. No.

13833 of 2025 dated 21.08.2025, where liberty was also

granted to petitioner to renew his prayer of bail, if so advised.

(b). Secondly, similarly situated co-accused namely

Pappu Kumar @ Pappu Kr. Ram has already granted bail by

this Court through Cr. Misc. No. 18318 of 2025 dated

01.09.2025, after withdrawal of first bail prayer of petitioner.



2. Learned counsel submitted that still this matter is pending for examination of prosecution witnesses despite of the fact as petitioner remains in custody since 08.07.2024 i.e., about one year and seven months. It is further submitted that petitioner cannot be kept behind bar for unlimited period in want of trial and as such slow progress of trial is violation of fundamental right of petitioner as available under Article 21 of the Constitution of India. In support of her submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon & Ors Vs. Home Secretary, State of Bihar, [1980 (1) SCC 98]**.

3. Learned APP while opposing the prayer of bail could not disputed aforesaid factual submission qua custody period.

4. In view of aforesaid factual submission and by taking note of fact as still this matter is pending for examination of prosecution witness, where petitioner remains in custody since 08.07.2024, accordingly petitioner above named, is directed to be released on bail in connection with



Birpur P.S. Case No. 250 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Supaul/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS with further conditions:

- (i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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