

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86870 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- KURSAKANTA District- Araria

1. Md. Anwarul @ Anwar S/O Md. Rafid R/O Village- Dahuwabari, Ward No.13, P.S- Kursakanta, Distt.- Araria.
2. Md. Pinku S/O Md. Semuddin R/O Village- Dahuwabari, Ward No.13, P.S- Kursakanta, Distt.- Araria.

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr.Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, A.P.P.

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

ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sessions Case No. 26 of 2025, arising out of Kursakanta P.S. Case No. 117 of 2024, instituted for the offences under Sections 103(1),238, 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Earlier vide order dated 28.04.2025 passed in Criminal Miscellaneous No. 4532 of 2025 and Criminal Miscellaneous No. 12817 of 2025, respectively, regular bail of the petitioners was rejected by this Court considering the direct involvement of the petitioners in commission of the offence, with a liberty to renew the prayer after six months, if the trial is



not concluded.

4. Learned counsel for the petitioners submits that the present one is the second attempt for grant of regular bail to the petitioners. It is mainly submitted that Charge in this case is framed and till date and out of 08 witnesses only 03 witnesses have been examined. It has been submitted on behalf of the petitioners that the petitioners are in custody since 07.10.2024. 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 petitioners 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and taking into account the fact that continued detention of the petitioners 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 petitioners.

7. Let the petitioners 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 Sessions Case No. 26 of 2025, arising out of Kursakanta P.S. Case No. 117 of 2024, subject to the following conditions:

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

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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