

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85766 of 2025

Arising Out of PS. Case No.-77 Year-2023 Thana- MALI District- Aurangabad

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Guddu Yadav @ Niranjan Yadav @ Guddu S/O Chandradeo Yadav R/O
Village- Bisai, P.S- Mali, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
		Mrs. Mukul Kumari, Advocate
For the Opposite Party/s :		Mr. Rana Randhir Singh, APP

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**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
Sessions Trial No. 14/2024/07/2024 arising out of Mali P.S.
Case No. 77 of 2023 instituted for the offence under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. Earlier vide order dated 06.03.2024 passed in Cr.
Misc. No. 13853 of 2024 and again vide order dated 08.08.2025
passed in Cr. Misc. No. 55708 of 2025, regular bail of the
petitioner was rejected twice by this Court considering the
nature of accusation against the petitioner and gravity of
offence. Vide order dated 08.08.2025 passed in Cr. Misc. No.



55708 of 2025, liberty was granted to the petitioner to renew the prayer for bail after three months if the trial is not concluded.

3. Learned counsel for the petitioner submits that the present one is the third attempt for grant of regular bail to the petitioner. It is mainly submitted that vide order dated 08.08.2025 passed in Cr. Misc. No. 55708 of 2025, the liberty was granted to the petitioner to renew the prayer for bail after three months if the trial is not concluded. She further submitted that two witnesses are yet to be examined and the petitioner is in custody since 23.08.2023 . 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 petitioner 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.

4. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

5. Considering the aforesaid facts and circumstances of the case, period of custody of 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.

6. 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 Sessions Trial No. 14/2024/07/2024 arising out of Mali P.S. Case No. 77 of 2023, 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)

Alok Verma/-

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