

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86294 of 2025

Arising Out of PS. Case No.-68 Year-2024 Thana- MOHANPUR District- Samastipur

Mithlesh Kumar S/O Subindra Rai Resident of Village- Jalalpur Ward No. 7,
P.S.- Mohanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Binay Krishna, A.P.P.

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

ORAL ORDER

5 03-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
S.Tr. No. 676 of 2024, arising out of Mohanpur P.S. Case No. 68
of 2024, instituted for the offence under Sections 302, 201, 34
of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

3. Earlier vide order dated 29.01.2025 passed in Cr.
Appeal (SJ) No. 4428 of 2024, regular bail of the petitioner was
rejected by this Bench considering the involvement of the
petitioner in the 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 petitioner submits that
earlier the F.I.R. has been registered u/s 302, 201, 34 of the
Indian Penal Code and Section 3(2)(v) of the SC/ST Act. But,



learned Court below has taken cognizance u/s 302 and 201/34 of the Indian Penal Code on 26.09.2024. It is mainly submitted that charge in this case is framed, but till date no prosecution witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.07.2024 and petitioner has no criminal antecedent. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. He further submits that petitioner is not named in the F.I.R., during the course of investigation the petitioner has been arrested in this case and confessed his guilt before the Police, which has no evidentiary value in the eye of law. Learned counsel for the petitioner further submits that other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 04.11.2025 passed in Cr. Misc. No. 75035 of 2025.

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

6. In compliance of the order dated 26.02.2026, a report dated 13.03.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that there are ten prosecution witnesses, but prosecution has not examined any witness so far. It is further reported that



the trial may be concluded within a period of one year.

7. 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.

8. 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 Mohanpur P.S. Case No. 68 of 2024, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions,



the Trial Court shall be at liberty to cancel the bail bonds of the
petitioner.

(Rudra Prakash Mishra, J)

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