

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86850 of 2025

Arising Out of PS. Case No.-1534 Year-2023 Thana- DANAPUR District- Patna

=====

Avinash @ Avinash Kumar @ Chiki @ Chanki @ Santosh Singh S/O Sri
Ashok Kumar Gupta @ Ashok Kumar Resident of village- Bacchu Yadav ke
Makan Me Kiraiyedar, Chai Tola, Barudi Gali, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, A.P.P.

=====

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

ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Danapur P.S. Case No. 1534 of 2023, S.T. No. 856 of 2024

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 11.04.2025 passed in Cr.

Misc. No. 3314 of 2025, regular bail of the petitioner was

rejected by this Court considering the ample material against the

petitioner in the case diary to show his active participation in the

alleged occurrence.

4. Learned counsel for the petitioner submits that

the present one is the second attempt for grant of regular bail to



the petitioner. It is mainly submitted that charge in this case is framed and till date, only four witnesses have been examined, which is evident from the impugned order itself. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.12.2023. 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. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Court vide order dated 03.02.2026 passed in Cr. Misc. No. 74447 of 2025.

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

6. Considering the aforesaid facts and circumstances of the case, as also claim based on parity and 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.

7. 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 Danapur P.S. Case No. 1534 of 2023, S.T. No. 856 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)

manish/-

U		T	
---	--	---	--

