

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88868 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- MEHSI District- East Champaran

Md. Ajmuddin S/O- Md. Bahauddin @ Bahauddin R/V- Damodarpur, Ps-
Mehsi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Session Trial Case No. 612 of 2025 arising out of Mehsi P.S. Case No. 109 of 2024 instituted for the offence under Sections 196, 197(1), 197(2), 223 & 152 of the Bharatiya Nyaya Sanhita, 2023. Earlier vide order dated 25-04-2025, passed in Cr. Misc. No. 77226 of 2025, regular bail of the petitioner was rejected by this Court with a liberty to renew the prayer after six months if the trial is not concluded.

3. 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 three charge sheet



witnesses are yet to be 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 18-07-2024. 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 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/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Session Trial Case No. 612 of 2025 arising out of Mehsi P.S. Case No. 109 of 2024, 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)

Raj Kishore/-

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