

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5031 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

Tiger Yadav @ Taigar Yadav @ Tiger Yadav S/o- Prabhu Yadav @
Prabhunath Yadav Resident of Village- Sipaya Khash PS- Bishambharpur,
Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravish Chandra Manjhi S/o- Sriram Nath Manjhi Resident of Village-
Sipaya Khash PS- Bishambharpur, Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Adesh Raj Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Aatish Kumar, Advocate

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

ORAL ORDER

3 18-03-2026 Heard learned counsel for the appellant, learned
counsel for the informant and learned SPP for the State.

2. The instant appeal has been filed by the appellant against the order dated 28.11.2025 passed by learned District and Additional Sessions Judge-XI-cum-Exclusive Special Judge whereby the prayer for bail of the appellant in connection with Vishambharpur P.S. Case No. 2 of 2025 under Sections 126(2), 115(2), 109, 117(2), 352, 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(i)(r), 3(1)(s), 3(2)(va) of SC/ST Act was rejected.

3. Earlier vide order dated 15.05.2025 passed in Cr.



Appeal (SJ) No. 1195 of 2025, regular bail of the appellant was rejected by this Court considering the allegation of assault against the appellant and the injury being grievous in nature with a liberty to renew the prayer after six months if the trial is not concluded.

3. Learned counsel for the appellant submits that the present one is the second attempt for grant of regular bail to the appellant in light of the observation given by this Court. It is mainly submitted that in this case only charge is framed and till date and no any witness has been examined. It has been submitted on behalf of the appellant that the appellant is in custody since 12.01.2025 and has two criminal antecedents. 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 appellant 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 S.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the appellant.



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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 28.11.2025 passed by learned District and Additional Sessions Judge-XI-cum-Exclusive Special Judge in connection with Vishambharpur P.S. Case No. 2 of 2025 is hereby set aside.

7. Let the appellant, abovenamed, 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 Vishambharpur P.S. Case No. 2 of 2025, subject to the following conditions:

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



(II) The appellant 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 appellant 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 appellant.

(Rudra Prakash Mishra, J)

Alok Verma/-

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