

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5691 of 2026

Arising Out of PS. Case No.-354 Year-2023 Thana- RAJAOLI District- Nawada

Mukesh Kumar @ Mukesh Yadav @ Guddu Yadav S/o Damodar Yadav R/o
vill - Ghasko Tand, P.S.- Garhi, Distt.- Jamui, at present Vill - Chatkari Tola,
Tara Tand, P.s.- Rajauli, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

Mr. Mayank Raj, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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

ORAL ORDER

2 29-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rajauli
P.S. Case No. 354 of 2023, instituted for the offences under
Sections 365 of the Indian Penal Code and later on Sections
364, 302, 201 and 120B of the Indian Penal Code have been
added.

3. This is the third attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which were earlier rejected by this Court vide order dated
20.12.2024 and 19.09.2025 passed in Cr. Misc. Nos. 69336 of
2024 and Cr. Misc. No. 52956 of 2025 taking into consideration
the seriousness of the case.



4. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 23.05.2024 without any rhymes or reason and has got no criminal antecedent. Learned counsel for the petitioner also submitted that the trial is in progress and only three witnesses have been examined in this case. Learned counsel for the petitioner next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments.

5. Learned APP 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, the period of custody undergone by 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 Rajauli P.S. Case No. 354 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.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(IV) The petitioner will not leave the territorial jurisdiction of the Court below without its prior permission for the same.

(Rudra Prakash Mishra, J)

Rajorshi/-

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

