

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.307 of 2026

Arising Out of PS. Case No.-164 Year-2024 Thana- KHUSRUPUR District- Patna

Pankaj Kumar S/O Bhagwan Rai R/O Ward No.- 7 Bhagwanpur, P.S-
Bachhawara, Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pintu Singh S/O Kapil Singh R/O Village- Dudhani Tola Baikatpur, P.S-
Khusrupur, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ganesh Prasad Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Respondent No.2:	:	None

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

ORAL ORDER

3 10-04-2026 Heard learned senior counsel for the appellant and
learned SPP for the State. Despite valid service of notice, none
appears on behalf of the Respondent No. 2.

2. The instant appeal has been filed by the appellant
against the order dated 09.01.2026 passed by learned Exclusive
Special Judge (SC/ST) Act, Patna whereby the prayer for bail of
the appellant in connection with Khusrupur P.S. Case No. 164 of
2024 under Section 379 of the Indian Penal Code and later on
Charge-sheet submitted under Sections 364, 302, 201, 411, 379,
120(B) of the Indian Penal Code, read with Sections 3(1)(r) and
3(2)(v) of SC/ST Act was rejected.

3. This is the second attempt of the appellant for bail.



The appellant has renewed his prayer for grant of regular bail which was earlier dismissed by this Court vide order dated 09.07.2025 passed in Cr. Appeal (SJ) No. 4945 of 2024 taking into consideration the nature and gravity of offence.

4. In compliance of the order dated 05.02.2026, a report dated 24.02.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that there are five prosecution witnesses in this case and no any witness has been examined. It is further reported that the trial is likely to be concluded within a period of six months.

5. Learned counsel for the appellant submits that the appellant is languishing in judicial custody since 07.05.2024 without any rhymes or reason and has got no criminal antecedent. Learned counsel for the appellant next submits 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 reiterated by Hon'ble Apex Court in plethora of Judgments.

6. Learned SPP for the State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by 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 allow this appeal. Accordingly, the appeal is allowed and order dated 09.01.2026 passed by learned Exclusive Special Judge (SC/ST) Act, Patna is hereby set aside.

8. Let the appellant 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 Khusrupur P.S. Case No. 164 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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

