

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.494 of 2026

Arising Out of PS. Case No.-11 Year-2025 Thana- PHULWARIA District- Begusarai

Mantun Rai @ Mintu Rai @ Mantu Rai S/O Shubansh Rai @ Subansh Rai
R/O Village- Bishahar Asthan Mushahari, Ward No. 15, P.S- Phulwaria,
Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Khushi Kumari D/O Manoj Paswan R/O Village- Bishahar Ashthan
Mushahari, Ward No. 15, P.S- Phulwaria, Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aditya Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, SPP
For the Informant	:	None

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

ORAL ORDER

5 15-05-2026 Heard learned counsel for the appellant and learned SPP
for the State. None appears for the informant, despite
information given by learned SPP for the State.

2. The instant appeal has been filed by the appellant
against the order dated 20.01.2026, passed by learned Exclusive
Special Judge, SC/ST Act, Begusarai whereby the prayer for
bail of the appellant in connection with Phulwaria PS Case No.
11 of 2025 under Sections 126(2), 115(2), 64(1) & 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and Sections 3(1), 3(1) द, 3(1) घ
of SC/ST Act was rejected.

3. Earlier, vide order dated 24.07.2025, passed in Cr.



Appeal (SJ) No. 1820 of 2025, regular bail of the appellant was rejected by this Court with liberty to renew his prayer for bail if the trial is not concluded within a period of six months.

4. Learned counsel for the appellant submits that the present one is the second attempt for grant of regular bail to the petitioner. It has been mainly submitted on behalf of the appellant that the appellant is in custody since 28.01.2025, having no criminal antecedent. It is submitted that out of nine (9) prosecution witnesses, none has been examined in this case. 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.

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

6. 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.

7. Let the appellant 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 Phulwaria PS Case No. 11 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant 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 appellant.

Raj Kishore/-

(Rudra Prakash Mishra, J)

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

