

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.730 of 2026

Arising Out of PS. Case No.-372 Year-2024 Thana- NAWADA MUFFASIL District- Nawada

Nandu Paswan S/o- Late Saukhi Paswan R/O Vilage- Pran Bigha, P.O-
Akouna Bazar, Ps- Mufassil, Dist -Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Vyas Muni S/o- Mr. Sanjay Majhi R/v- Dedaur Tola Krishna Nagar Nadi Par
Ps- Mufassil Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satish Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

3 01-05-2026 Heard learned counsel for the appellant and learned SPP
for the State.

2. The instant appeal has been filed by the appellant against the order dated 05.02.2026 passed by learned Special Judge, Exclusive Special Court, SC/ST (Prevention of Atrocities) Act, Nawada whereby the prayer for bail of the appellant in connection with Nawada Muffasil P.S. Case No. 372 of 2024 under Sections 191(2), 193(3), 190, 109(1), 352, 351(2), 351(3), 326(g), 303(2), 111(3), 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023, read with Section 27 of the Arms Act, Sections 3(1)(f)(g)(r)(s)(w), 3(2)(va) 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 rejected by this Court vide order dated 30.01.2025 passed in Cr. Appeal (SJ) No. 5502 of 2024 taking into account the nature and gravity of the offence.

4. In compliance of the order dated 17.04.2026, a supplementary affidavit with regard to the present stage of trial has been filed. From perusal of the supplementary affidavit, it appears that charge has been framed against the appellant and out of twenty-one (21) charge-sheeted witnesses, only fifteen (15) witnesses have been examined in this case.

5. Learned counsel for the appellant submits that the appellant is languishing in judicial custody since 19.09.2024 without any rhymes or reason and has got one criminal antecedent in which he is on bail. 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. Learned counsel for the appellant further submitted that other co-accused has been granted regular bail by this Court vide order dated 05.02.2026



passed in Cr. Appeal (SJ) No. 4551 of 2025.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, charge has been framed against the appellant 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. Accordingly, the appeal is allowed and order dated 05.02.2026 passed by learned Special Judge, Exclusive Special Court, SC/ST (Prevention of Atrocities) Act, Nawada 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 Nawada Muffasil P.S. Case No. 372 of 2024, 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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