

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.789 of 2026**

Arising Out of PS. Case No.-205 Year-2025 Thana- KONCH District- Gaya

Ramesh Mistry @ Ramesh Mistri @ Ramesh Kumar Sharma S/O Kapil Mistry @ Kapil Mistri Resident Of Village- Mithanpur, Ps- Konch, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Vivek Kumar S/o Judagir Paswan R/o vill - Mithapur, P.S.- Konch, Dist.- Gaya

... .. Respondent/s

**Appearance :**

|                     |   |                          |
|---------------------|---|--------------------------|
| For the Appellant/s | : | Ms. Rashmi Jha, Advocate |
| For the State       | : | Mr. Sadanand Paswan, SPP |
| For the Informant   | : | <b>NONE</b>              |

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

ORAL ORDER

4      08-05-2026              Heard learned counsel for the appellant and learned SPP for the State. None appears for the informant, despite information given by the learned SPP.

2.      The instant appeal has been filed by the appellant against the order dated 02.02.2026, passed by learned Exclusive Special Judge, SC/ST Act, Gaya Ji whereby the prayer for bail of the appellant in connection with Konch PS Case No. 205 of 2025 under Sections 126(2), 115(2), 103(1), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(1)(t) & 3(2)(v) of SC/ST Act was rejected.

3.      Earlier vide order dated 02.02.2026, passed in Cr.



Appeal (SJ) No. 2339 of 2025, regular bail of the appellant was rejected by this Court.

4. Learned counsel for the appellant submits that the present one is the second attempt for grant of regular bail to the appellant. It has been mainly submitted on behalf of the appellant that the appellant is in custody since 23.03.2025, having no criminal antecedent. It is submitted that one (1) out of seven (7) prosecution witnesses have 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. Accordingly, the appeal is allowed and order dated 02.02.2026, passed by learned Exclusive Special Judge, SC/ST Act, Gaya Ji is hereby set aside.

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 Konch PS Case No. 205 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.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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