

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1525 of 2026

Arising Out of PS. Case No.-372 Year-2025 Thana- CHHATAUNI District- East Champaran

Mohan Thakur S/o Late Gokhul Thakur R/o Mohalla - Balua Tal, Kalu Lodge,
Ward No. 28, P.S.- Nagar Motihari, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nirmala Devi W/o Vijay Baitha R/o Mohalla - Chhota Bariyarpur, Opposite of Sugar Mill, P.S - Chhatauni, District - East Champaran, Mobile No. - 6202021646

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raghav Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Ravi Nandan, Advocate
		Mr. Vivek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 17-07-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 09.07.2025 passed by learned Exclusive Special Judge, SC/ST Act, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with Chhatauni P.S. Case No. 372 of 2025 under Sections 126(2), 115(2), 118(1), 109, 75, 81, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and added Sections 3(i)(r)(s) of SC/ST Act was rejected.



3. Earlier, vide order dated 27.11.2025 passed in Cr. Appeal (SJ) No. 3256 of 2025, regular bail of the appellant was rejected by this Court considering the nature and gravity of offence.

4. Learned counsel for the appellant submits that the present one is the second attempt of the appellant for grant of bail. It is mainly submitted that trial is in progress and only one witness has been examined as yet. It has been submitted on behalf of the appellant that the appellant is in custody since 22.06.2025 and has no criminal antecedent. 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 S.P.P. for the State and learned counsel for the informant 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 09.07.2025 passed by learned Exclusive Special Judge, SC/ST Act, East Champaran, Motihari in connection with Chhatauni P.S. Case No. 372 of 2025 is hereby set aside.

7. Let the appellant, abovenamed, 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 Chhatauni P.S. Case No. 372 of 2025, subject to the following conditions:

(I) One of the bailors shall be the appellant's own or a close family member.

(II) The appellant shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The appellant shall not tamper with the prosecution evidence or influence/intimidate any witness/informant during the course of trial.

In case of violation of any of the aforesaid conditions,



the Trial Court shall be at liberty to cancel the bail bonds of the
appellant.

(Rudra Prakash Mishra, J)

Alok Verma/-

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