

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3143 of 2025

Arising Out of PS. Case No.-541 Year-2020 Thana- TEKARI District- Gaya

Mukesh Kewat S/O Tulsi Kewat R/o Vill.- Chakmath, P.S.- Tekari, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjeet Choudhary S/O Baleshwar Choudhary R/O Vill.- Cinura, Batiyapur, P.S.- Alipur, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar, Advocate Mr. Kanhaiya Kumar, Advocate Mr. Ajeet Kumar, Advocate Mr. Sri Ram, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	NONE

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 08-05-2026 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 20.01.2025, passed by learned Exclusive Special Judge, SC/ST Act, Gaya whereby the prayer for bail of the appellant in connection with Tekari PS Case No. 541 of 2020 under Sections 302 & 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) of SC/ST Act was rejected.



3. Earlier vide orders dated 26.04.2021 and 17.05.2023, passed in Cr. Appeal (SJ) No. 1266 of 2021 and Cr. Appeal (SJ) No. 4612 of 2021, respectively, regular bail of the appellant was rejected by this Court.

4. Learned counsel for the appellant submits that the present one is the third 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 13.11.2020, having one criminal antecedent. It is submitted that six (6) out of eight (8) 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.

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 Tekari PS Case No. 541 of 2020, 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.

(III) If the appellant tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(IV) If the appellant is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate



application before the court below for cancellation of his bail.

(v) The appellant shall not leave the territorial jurisdiction of the Court below without its prior permission.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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