

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4200 of 2025

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

Vinay Chouhan Son of Mithilesh Chouhan Resident of Village -
Raghunathpur, P.S.- Rahui, District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Beyas Muni Son of Sanjay Manjhi Resident of village - Dedour Tola
Krishna Nagar at River, P.S.- Muffasil, Dist.- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Rasika, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Rajesh Kumar Sinha, Advocate

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

ORAL ORDER

4 29-01-2026 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 18.11.2024 passed by learned Exclusive
Special Judge, Special Court, SC/ST 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, Section
27 of the Arms Act, 3(1)(f)(g)(r) (s)(w), 3(2)(va), 3(2)(v) of the
SC/ST Act was rejected.



3. Earlier vide order dated 30.01.2025 passed in Cr. Appeal (SJ) No. 5651 of 2024, bail of the appellant was rejected by a coordinate Bench of this Court considering the nature and gravity of offence.

4. Learned counsel for the appellant submits that the present one is the second attempt for grant of regular bail to the appellant. It is mainly submitted that till date, out of seventeen witnesses, only three witnesses have been examined. It has been submitted on behalf of the appellant that the appellant is in custody since 08.10.2024. 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 18.11.2024 passed by learned Exclusive Special Judge, Special Court, SC/ST Act, Nawada in connection with Nawada Muffasil P.S. Case No. 372 of 2024 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 Nawada Muffasil P.S. Case No. 372 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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