

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4322 of 2025**

Arising Out of PS. Case No.-95 Year-2024 Thana- NAUHATTA District- Rohtas

Bunty Paswan @ Atul Kumar S/O Late Awadh Bihari Paswan R/O Village-  
Daranagar, P.S- Nauhatta, Distt.- Rohtas (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramanand Paswan S/O Late Dukhan Paswan R/O Village- Daranagar, P.S-  
Nauhatta, Distt.- Rohtas.

... .. Respondent/s

**Appearance :**

|                     |   |                                   |
|---------------------|---|-----------------------------------|
| For the Appellant/s | : | Mr. Rakesh Kumar Mishra, Advocate |
| For the State       | : | Mr. Binay Krishna, 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 entering  
his appearance through *vakalatnama*.

2.      The instant appeal has been filed by the appellant  
against the order dated 17.09.2025, passed by learned Special  
Judge, SC/ST Act, Sasaram at Rohtas whereby the prayer for  
bail of the appellant in connection with Nauhatta PS Case No.  
95 of 2024 under Sections 302 & 34 of the Indian Penal Code,  
Section 27 of the Arms Act and Sections 3(1)(r) & 3(ii)(va) of  
SC/ST Act was rejected.

3.      Earlier vide order dated 17.02.2025, passed in Cr.  
Misc. No. 80462 of 2024, 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 08.08.2024, having no criminal antecedent. It is submitted that one (1) out of five (5) 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 17.09.2025, passed by learned Special Judge, SC/ST (PoA) Act, Sasaram at Rohtas 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 Nauhatta PS Case No. 95 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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