

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4432 of 2025

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

Rocky Kumar S/O Ravindra Sharma Resident of Village- Chhoti Mudhari,
P.S.- Harnaut, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Byas Muni D/O Sanjay Manjhi R/O Vill.- Dedaur Tola, Krishna Nagar, P.S.-
Muffasil, Dist.- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satya Prakash, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	None

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

ORAL ORDER

4 18-03-2026 Heard learned counsel for the appellant and learned
SPP for the State. None appears on behalf of the informant
despite notice being validly served.

2. The instant appeal has been filed by the appellant against the order dated 24.09.2025 passed by learned Exclusive Special Judge, Special Court, SC & ST Act, Nawada whereby the prayer for bail of the appellant in connection with 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, Sections 27 of the Arms Act and sections 3(1)(f)(g)(r)(s), 3(2)(va), 3(2)(v) of SC/ST Act was



rejected.

3. Earlier vide order dated 30.01.2025 passed in Cr. Appeal (SJ) No. 95 of 2025 regular bail of the appellant was rejected by this Court considering the nature and gravity of offence with a direction to the court below to expedite the trial.

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 charge in this case is framed and till date and out of sixteen witnesses, only eleven witnesses have been examined which is evident from the impugned order itself. It has been submitted on behalf of the appellant that the appellant is in custody since 17.10.2024. 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 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 allow this appeal. Accordingly, the appeal is allowed and order dated 24.09.2025 passed by learned Exclusive Special Judge, Special Court, SC & ST Act, Nawada in connection with 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 Muffasil P.S. Case No. 372 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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