

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4551 of 2025

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

Raja Kumar @ Raja Chaudhary S/O Deep Chaudhary @Pradeep Chaudhary
R/O Village - Niyamatpur, P.S- Harnaut, District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Vyas Muni S/O Sanjay Manjhi R/O Vill.- Dedaur, Tola Krishna Nagar Nadi Par, P.S- Nawada Mufassil, Dist.- Nawada- 805123

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Sinha, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

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

ORAL ORDER

3 05-02-2026 Heard learned counsel for the appellant and learned
SPP for the State.

2. The instant appeal has been filed by the appellant against the order dated 07.10.2025 passed by learned Special Judge, Exclusive Special Court, SC/ST (Prevention of Atrocities) 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, read with Section 27 of the Arms Act, Sections 3(1)(f)(g)(r)(s)(w), 3(2)(va) and 3(2)(v) of SC/ST Act was rejected.



3. This is the second attempt of the appellant for bail. The appellant has renewed his prayer for grant of regular bail which was earlier rejected by this Court vide order dated 29.07.2025 passed in Cr. Misc. No. 1834 of 2025 taking into account the nature and gravity of the offence.

4. In compliance of the order dated 16.12.2025, a report dated 19.12.2025 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that charge has been framed against the appellant on 28.07.2025 and out of sixteen charge-sheeted witnesses, only ten witnesses have been examined in this case. It is further reported that presently the case record is running for prosecution evidence.

5. Learned counsel for the appellant submits that the appellant is languishing in judicial custody since 26.09.2024 without any rhymes or reason and has got one criminal antecedent in which he is on bail. Learned counsel for the petitioner next submits that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which reiterated by Hon'ble Apex Court in plethora of Judgments. Learned counsel for the



appellant further submitted that other co-accused has been granted regular bail by this Court vide order dated 16.09.2025 passed in Cr. Misc. No. 2773 of 2025.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, charge has been framed against the appellant and taking into account the fact that continued detention of the petitioner 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 petitioner. Accordingly, the appeal is allowed and order dated 07.10.2025 passed by learned Special Judge, Exclusive Special Court, SC/ST (Prevention of Atrocities) Act, Nawada is hereby set aside.

8. Let the appellant 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, 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)

Rajorshi/-

U		T	
---	--	---	--

