

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4527 of 2025

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

Pawan Kumar Son of Ashok Pandit Resident of Village - Neyatpur Harnaut,
Police Station - Harnaut in the district of Nalanda. Permanent address Village
- Chhoti Murhari, Police Station - Harnaut in the district of Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Vyas Muni Son of Sanjay Manjhi Resident of village - Dedaur Tola Krishna
Nagar Nadipar, Police Station - Mufassil in the district of Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

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

ORAL ORDER

3 05-02-2026 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State. None appears for the informant.

2. The instant appeal has been filed by the appellant against the order dated 13.10.2025 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Nawada whereby the prayer for bail of the appellant in connection with Muffassil PS Case No. 372 of 2024 instituted under Sections 191(2), 193(3), 190, 109(1), 352, 351(2), 351(3), 326(g), 303(2), 111(3) & 61(1) of the Bharatiya Nyaya Sanhita, 2023, Section 27 of the Arms Act and Sections 3(1)(f)(g)(r)(s)(w), 3(2)(va), & 3(2)(v) of SC/ST Act was rejected. Earlier vide order dated 08.07.2025, passed in Cr. Appeal (SJ) No. 523 of 2025, regular bail of the petitioner



was rejected by this Court, taking into account the nature and gravity of offence.

3. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The appellant is in custody since 24.09.2024 and has one criminal antecedent. Learned counsel for the appellant mainly submits that ten (10) out of sixteen (16) witnesses have been examined hitherto and there is no likelihood of the trial being concluded in the near future, hence, appellant may be released on bail. 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 Special 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, 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 and the period of custody undergone by the appellant, this Court is inclined to allow this



appeal. Accordingly, the appeal is allowed and order dated 13.10.2025 passed by learned Exclusive Special Judge, SC/ST (PoA) Act, Nawada 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 Muffassil PS Case No. 372 of 2024.

Raj Kishore/-

(Rudra Prakash Mishra, J)

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