

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5215 of 2025

Arising Out of PS. Case No.-255 Year-2024 Thana- OBRA District- Aurangabad

Munna Chaudhary @ Munna Chaudhari S/o- Late Lakshman Chaudhary
Village- Devi Mandir Obra PS- Obra Distt- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Paswan S/o- Late Ram Swaroop Ram R/v- Obra Ps- Obra Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jay Ram Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

3 01-05-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. Despite valid service of notice, none appears for the informant.

2. The instant appeal has been filed by the appellant against the order dated 16.09.2025 passed by learned District & Additional Sessions Judge-1st- cum- Special Judge, Aurangabad whereby the prayer for bail of the appellant in connection with Obra PS Case No. 255 of 2024 instituted under Sections 302 & 34 and Sections 3(1)(r)(s)/3(2)(va) of SC/ST Act was rejected.

3. Earlier vide order dated 20.12.2024, passed in Cr. Appeal (SJ) No. 3795 of 2024, regular bail of the appellant was rejected by this Court. Again, vide order dated 30.08.2025,



passed in Cr. Appeal (SJ) No. 1484 of 2025, regular bail of the appellant was dismissed as withdrawn. The present one is the third attempt of the appellant for regular bail.

4. Prosecution case, in short, is that appellant along with other co-accused persons committed the murder of the informant's father.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant mainly submits that appellant is in custody since 03.06.2024, having no criminal antecedent. Learned counsel for the appellant next submits that seven (7) out of fourteen (14), prosecution witnesses have been examined. Learned counsel for the appellant submits that there is no likelihood of the trial being concluded in the near future, hence, appellant may be enlarged 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.

6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.



7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner 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 16.09.2025 passed by learned District & Additional Sessions Judge-1st-cum-Special Judge, Aurangabad is hereby set aside.

8. 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 Obra PS Case No. 255 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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