

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.767 of 2025**

Arising Out of PS. Case No.-124 Year-2022 Thana- MAHILA PS District- Gaya

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Ramji Yadav @ Bare Yadav @ Bare Lal S/O Rajendra Yadav R/O Vill.-  
Boknari, P.S.- Paraiya, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/O Anuj Manjhi R/O Vill.- Boknari, P.S.- Paraiya, Dist.- Gaya

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. Sharda Nand Mishra, Advocate |
| For the Respondent/s | : | Mr. Binay Krishna, SPP           |

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

ORAL ORDER

5      16-09-2025                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 20.01.2025 passed by Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Mahila P.S. Case No. 124 of 2022 under Sections 354, 376, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i) of SC/ST Act was rejected.

3. Earlier vide order dated 16.05.2024 passed in Cr. Appeal (SJ) No. 5608 of 2023, the prayer for grant of bail to the appellant was rejected by this Court.

4. Learned counsel for the appellant submits that this



is the second attempt of the appellant for grant of bail. Learned counsel mainly contends that the appellant has been languishing in jail since 24.12.2022 and there is no significant progress in the trial and nor there is likelihood of conclusion of trial in near future and therefore, appellant may be released on bail. It has been submitted on behalf of the petitioner that the appellant has no criminal antecedent.

5. Earlier, vide order dated 09.07.2025 a report regarding the stage of the trial was called for from the concerned lower Court and the same has been received vide letter no. 212 dated 28.07.2025. In the said report, learned trial Court has reported that out of 8 charge-sheeted witnesses, 3 witnesses have been examined.

6. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant. Learned SPP for the State relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

*“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the*



*Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”*

7. Considering the nature and gravity of offence as also the present stage of the trial, this Court is not inclined to grant bail to the appellant.

8. Appeal is dismissed.

9. However, if the trial is not concluded within a period of three months, liberty is granted to the appellant to renew his prayer for bail before the concerned Trial Court.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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