

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22424 of 2025

Arising Out of PS. Case No.-18 Year-2019 Thana- BHIMPUR District- Supaul

Chandrakishore Mehta @ Chandrakishore Kumar Mehta S/o- Shyam Mehta
R/o Mohalla- Bhimpur Ward No 1 PS- Bhimpur Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 22701 of 2025

Arising Out of PS. Case No.-18 Year-2019 Thana- BHIMPUR District- Supaul

Dharmendra Singh @ Dharmesh Kumar S/o Krityanand Singh @ Bhuto
Singh R/o Village- Laska, Rampur Ghat, Ward No. 9, P.S.- Narpatganj,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 22424 of 2025)
For the Petitioner/s : Mr. Shivnandan Bharti, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP
(In CRIMINAL MISCELLANEOUS No. 22701 of 2025)
For the Petitioner/s : Mr. Shivnandan Bharti, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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

ORAL ORDER

3 24-07-2025 Heard learned counsel for the petitioners and

learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with

Bhimpur P.S. Case No. 18 of 2019, instituted for the offences

punishable under Section 366(A) of the Indian Penal Code.



3. The prosecution case, in short, is that, the petitioners along with other co-accused persons have kidnapped informant's sister with for the purpose of marriage.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioners also submits that there is delay of 23 days in lodging the FIR. The petitioners were not named in the FIR rather his name has been surfaced in the present case on the basis of statement of hearsay witnesses in course of investigation. It is further submitted that no specific allegation has been attributed against the petitioners rather the same is general and omnibus in nature. The petitioners are in custody since 20.01.2025 and have got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners and submits that there is specific allegation against the petitioners of kidnapping the victim and committing rape upon her. It is next submitted that the victim has specifically stated against the petitioners in her statement recorded under Sections 161 and 164 of Cr.P.C. Hence, the petitioners do not deserve the privilege of bail. It is further submitted that the trial is already in progress and the



victim has already been examined in this case. Learned counsel for the informant 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.”

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioners at this stage.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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