

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1259 of 2025

Arising Out of PS. Case No.-1039 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Ravi Chaudhary @ Ravi Sahani Son of Bishwanath Chaudhary Resident of
Village - Balughat, Bandh Road Surj Mandir Akharaghat, Near Raj Narayan
Singh College, P.S. - Town, District - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Gujri Devi Wife of Bhutari Malik Resident of Village - Akharaghat Surj
Mandir, P.S. - Nagarsikandra, District - Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Mani Bhushan Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the O.P. No. 2	:	Mr. Ashok Kumar Sinha, Advocate

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

ORAL ORDER

3 30-08-2025 Heard learned counsel for the appellant, learned

SPP for the State and learned counsel for opposite party no. 2

has already appeared through *Vakalatnama*.

2. The instant appeal has been filed by the appellant

against the order dated 20.01.2025 passed by learned Special
Judge SC/ST (POCSO), Muzaffarpur whereby the prayer for
bail of the appellant in connection with Town P.S. Case No.
1039 of 2022 under Section 302 of the Indian Penal Code, read
with Sections 3(1)(r)(s) and 3(2)(5)(a) 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 on merit by this Court vide order dated 16.05.2024 passed in Cr. Appeal (SJ) No. 118 of 2024.

4. In compliance of the order dated 09.07.2025, a report dated 02.08.2025 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that out of seven charge-sheeted witnesses, five witnesses have been examined in this case.

5. Learned counsel for the appellant submits that the appellant is languishing in judicial custody since 30.01.2023 without any rhymes or reason and has got no criminal antecedent.

6. Learned SPP for the State has vehemently opposed the prayer for grant of bail to the appellant. Learned SPP for the State has 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 paragrah no. 14, the Hon'ble Apex Court has held has 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. There is no new ground to consider the bail petition of the appellant. From the aforesaid report, it appears that the trial is going on and is at an advance stage.

8. In view of the above, this Court is not inclined to grant bail to the appellant at this juncture. Accordingly, the appeal stands dismissed. The Trial Court is directed to expedite the trial and conclude the same expeditiously preferably within a period of two months from today. If the trial is not concluded within the period of two months, as stated above, the appellant will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

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