

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28112 of 2025

Arising Out of PS. Case No.-221 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

Kajim Ansari @ Md. Kajim @ Md. Kajim Ansari Md. Safique Ansari R/o
Vill.- Afjala Tole Khewa, P.S.- Biraul, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisu Zzoha, Adv.
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur, APP
For the Informant	:	Mr. Anuj Kumar, Adv.

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

ORAL ORDER

3 05-08-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner seeks bail in connection with
Ghanshyampur P.S. Case No. 221 of 2024 (S.T. No. 517 of
2024) instituted for the offences under Sections 103, 61(2), 3(5)
of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, some unknown miscreants
have committed murder of the Informant's uncle, namely, Jitan
Sahni by means of sharp-edged weapon.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner is not named in the F.I.R. and his name has surfaced in this case in course of investigation and, thereafter, the police arrested the petitioner only on the basis of suspicion and recorded his confessional statement which has got no evidentiary value in the eye of law. He further submits that save and except confessional statement, there is nothing adverse against the petitioner in the entire record of the case which shows the complicity of the petitioner in the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 18.07.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The police, after completion of investigation, has submitted charge-sheet against the petitioner and others under Sections 103, 61(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and cognizance has also been taken. It is further submitted that the trial is going on and three witnesses have already been examined.

6. Having heard learned counsel for the parties, this Court finds that the trial is already in progress and three witnesses have already been examined. Since, the trial is



already in progress, this Court is not inclined to grant bail to the petitioner at this stage. Reliance in this connection may be made to the 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 aforesaid facts and circumstances of the case as also the present stage of the trial, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

9. Learned Trial Court is directed to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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