

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28579 of 2025

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

1. Md. Sitare @ Chhedi @ Md Sitare Laheri S/o Md Mustak Laheri R/o vill - Zirat, P.S. - Ghanshyampur, Distt.- Darbhanga
2. Md Chotay @ Chhote Laheri S/o Late Oli Mohammad @ Oli Laheri R/o vill - Zirat, P.S. - Ghanshyampur, Distt.- Darbhanga
3. Md. Azad @ Azad S/o Md Faruk @ Faruk Laheri R/o vill - Zirat, P.S. - Ghanshyampur, Distt.- Darbhanga
4. Md Manzoor @ Md Manjur S/o Late Motiurahman R/o vill - Zirat, P.S. - Ghanshyampur, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Rajeev Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 12-09-2025 Heard Mr. Kedar Jha, learned counsel for the petitioners and Mr. Choubey Jawahar, learned APP for the State as also Mr. Rajeev Singh, learned senior counsel for the Informant. Perused the case diary.

2. The petitioners seek 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 petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The petitioners are not named in the F.I.R. and their names have surfaced in this case in course of investigation and, thereafter, the police arrested the petitioners only on the basis of suspicion and recorded their 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 petitioners in the entire record of the case which shows the complicity of the petitioners in the alleged occurrence. Learned counsel for the petitioners goes on to submit that there is no scientific evidence against the petitioners, as they were not identified in the FSL. The petitioners have no criminal antecedent. Petitioner Nos. 1, 2 & 3 are in custody since 20-07-2024 and petitioner No.4 is in custody since 24-07-2024.

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 petitioners and others under Sections 103, 61(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and cognizance has also been taken. Bail of assailant is rejected by this Court vide order dated 05-08-2025, passed in Cr. Misc. No. 28112 of 2025. It is further submitted by informant's counsel that the trial is going on and seven (7) out of twenty six (26) witnesses have already been examined. Reliance in this connection is 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.”

6. Having heard learned counsel for the parties, this Court finds that the trial is already in progress and seven witnesses have already been examined. Since, the trial is already in progress, this Court is not inclined to grant bail to the petitioners at this stage.



7. Accordingly, the prayer for grant of bail to the petitioners is, hereby, *rejected*.

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

(Rudra Prakash Mishra, J)

Raj Kishore/-

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