

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28093 of 2025

Arising Out of PS. Case No.-59 Year-2005 Thana- KHIJARSARAI District- Gaya

Ram Jeevan Singh @ Sudershan Singh S/o- Late Udhabh Singh Village-
Siswar Ps- Khizersarai Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravashankar Mishra, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**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.

2. The petitioner seeks bail in connection with Session Trial No. 241 of 2022 arising out of Khizersarai P.S. Case No. 59 of 2005 instituted for the offences under Sections 147, 148, 149, 302, 307, 324 of the Indian Penal Code and Section 27 of the Arms Act and Section 17 of the C.L.A. Act.

3. This is the third attempt of the petitioner with a prayer for bail. Earlier the petitioner has moved before this Court with a prayer for bail which was rejected by a Co-ordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No. 46360 of 2022. Thereafter, the petitioner again moved before this Court with a prayer for bail which was also rejected



by a Co-ordinate Bench of this Court vide order dated 10.05.2024 passed in Cr. Misc. No. 22074 of 2024.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 04.02.2021. The charges have been framed against the petitioner and the trial has already commenced. Learned counsel for the petitioner further submits that from perusal of the impugned order, it appears that the prosecution is not taking any interest in producing the charge-sheeted witnesses and causing delay in conclusion of the trial.

5. In compliance to the order of this Court dated 12.05.2025, a report dated 22.05.2025 with regard to the present stage of trial has been sent by the learned Additional Sessions Judge 1st, Gaya which has been kept at Flag 'S'.

6. From perusal of the aforesaid letter dated 22.05.2025, it appears that the charge has been framed on 05.01.2023 and the summons has been issued. It is further reported that 04 prosecution witnesses have been examined out of 11 prosecution witnesses mentioned in the charge-sheet and rest 07 of the prosecution witnesses are yet to be examined. The B.W. has been issued on 18.03.2025 against rest of the witnesses.

7. Having heard learned counsel for the parties, this



Court finds that the trial is already in progress and, out of total 11 witnesses, 04 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.”

8. Considering the aforesaid facts and circumstances of the case, there being no fresh ground for reconsidering the prayer for bail of the petitioner as also taking into account the present stage of the trial, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for grant of bail to the petitioner is again rejected.

10. Learned Trial Court is directed to expedite the trial



and conclude the same expeditiously preferably within a period of five months from today. If the trial is not concluded within the aforesaid period of five months, the petitioner will be at liberty to renew his prayer for bail before the court below.

11. The Senior Superintendent of Police, Gaya and the District Magistrate, Gaya are directed to take all necessary and sincere steps for producing the witnesses before the learned court below as and when required.

12. Let a copy of this order be sent to the Senior Superintendent of Police, Gaya and the District Magistrate, Gaya for strict compliance of this order.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

