

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36838 of 2025

Arising Out of PS. Case No.-79 Year-2023 Thana- TANDWA District- Aurangabad

Arjun Singh S/O Late Bikrama Singh @ Vikram Singh Resident of village-
Saya, P.S.- Nabinagar, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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

ORAL ORDER

4 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sessions Case No. 733 of 2023, G.R. No. 1897 of 2023 arising out of Tandwa P.S. Case No. 79 of 2023 instituted for the offences under Sections 363, 365 of the Indian Penal Code and later on, Sections 364, 302, 201/34 of the Indian Penal Code was added.

3. Prosecution case, in short, is that the petitioner took his brother namely, Bhim Singh on his motorcycle but did not return.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case.



Learned counsel further submitted that no offence as alleged in the FIR has been committed by the petitioner and the petitioner is being dragged in his case merely on the basis of suspicion. Learned counsel further submitted that trial is already in progress and out of twelve witnesses, ten have already been examined. He further contended that all material witnesses have become hostile and have not supported the case of the prosecution, and as such, there is no likelihood of the petitioner being convicted. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.08.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State 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 as also the present stage of trial, this Court is not inclined to grant bail to the petitioner at this stage.

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

8. Learned Trial Court is directed to expedite the trial.

9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of two months from today.

(Rudra Prakash Mishra, J)

Alok Verma/-

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