

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2415 of 2025

Arising Out of PS. Case No.-111 Year-2024 Thana- MAJHAULIA District- West Champaran

Aftab Ansari @ Md. Aftab Ansari S/o- Ali Hasan Mian @ Alihasan Miyan
Village- Kohadghar Parras Pakadi W.No-1, Ps- Majhauilya Dist- West
Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramwati Devi W/o- Ramji Ram Village- Kohadghar Parras Pakadi W.No-1,
Ps- Majhauilya Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP

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

ORAL ORDER

2 28-07-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 27.05.2025 passed by learned Additional District and Sessions Judge 1st cum Special Judge, SC/ST, Bettiah, West Champaran whereby the prayer for bail of the appellant in connection with Majhauilya P.S. Case No. 111 of 2024 under Sections 302, 120B of the IPC and Sections 3(2)(v) of SC/ST Act was rejected.

3. Earlier, vide order dated 05.12.2024 passed in Cr. Appeal (SJ) No. 3066 of 2024, the prayer for grant of the bail to the appellant was rejected. This is the second attempt of the



appellant for grant of bail.

4. Learned counsel for the appellant mainly submits that appellant is languishing in jail since 16.02.2024 and charges have already been framed against the appellant as also one witness has also been examined. Learned counsel further submitted that there is no significant progress in the trial and the continued incarceration of the appellant is violative of Article 21 of the Constitution of India. Learned counsel further submitted that there is no likelihood of conclusion of trial in near future and therefore, appellant may be released on bail. It has been submitted on behalf of the appellant that the appellant has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that trial is already in progress. Learned SPP 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 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.”

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 appellant.

7. Accordingly, the present appeal is dismissed.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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