

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45458 of 2025

Arising Out of PS. Case No.-22 Year-2021 Thana- BATHNAHA District- Sitamarhi

Abhishek Kumar S/o Hari Kishore Chaudhary@ Hari Kishore Prasad @ Hari Kishore Prasad Chaudhary @ Bhikhari Chaudhary R/o Village - Vishunpur Gonahi (Ward No.4), Post- Bhuthi, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Vijay Anand, Advocate Mr. Roop Kishor, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with S. T. No. 10 of 2025, arising out of Bathnaha P.S. Case No. 22 of 2021 instituted for the offences under Sections 366, 376 & 34 of the Indian Penal Code.

3. This is the second attempt of the petitioner for bail. The petitioner has renewed his prayer for grant of regular bail which was earlier rejected on merit by this Court vide order dated 20-11-2024 passed in Cr. Misc. No. 71007 of 2024.

4. In compliance of the order dated 04-07-2025, a report dated 10-07-2025, with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that three out of eight witnesses have been examined in this case.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 20-08-2024 without any rhymes or reason. It is submitted that there is no likelihood the trial being concluded in the near future.

6. Learned APP for the State opposes the prayer for grant of bail. Learned APP has further 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, Hon'ble Apex Court has observed 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. There is no new ground to consider the bail petition of the petitioner. From the aforesaid report, it appears that the trial is going on and is at an advance stage.



8. In view of the above, the prayer for bail of the petitioner is again *rejected* with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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