

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50154 of 2025

Arising Out of PS. Case No.-64 Year-2023 Thana- MAHILA P.S. District- Samastipur

Aniket Kumar S/O Anil Kumar Ray @ Anil Ray R/O Vill.- Vishanpur Abhi,
P.S.- Khanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi W/O Manoj Mahto R/O Vill.- Bishanpur Abhi, Ward no. 11,
P.S.- Khanpur, Distt.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Adv.
For the Opposite Party/s : Mrs.Anita Kumari, APP

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

ORAL ORDER

4 10-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Samastipur Mahila P.S. Case No. 64 of 2023, instituted for the offences punishable under Sections 363-A, 376, 341, 323, 504, 506, 34 of the Indian Penal Code and Section 4 of POCSO Act.

3. The prosecution case, in short, is that, on the pretext of marriage, the petitioner committed rape upon minor daughter of the informant continuously for four days and also made a video of the same.

4. The petitioner has renewed his prayer for grant of regular bail which was earlier rejected by this Court vide order



dated 29.01.2025 passed in Cr. Misc. No. 43224 of 2024.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 10.03.2024 and the investigation qua has been completed and the Investigating Officer has submitted the charge-sheet vide charge-sheet no. 52/2024 dated 26.04.2024 against the petitioner. It is further submitted that the charge has been framed and, thereafter, one witness has been examined and, thus, there is no likelihood of conclusion of the trial in near future.

6. In compliance to the order of this Court dated 25.07.2025, the learned court below has sent report dated 17th September, 2025 regarding present stage of trial.

7. The report of the learned Exclusive Special Judge (Rape & POCSO), Samastipur dated 17.09.2025 shows that the case is presently at the stage of prosecution evidence. The prosecution witnesses namely Dr. Nijhat Jahan, Sanjeet Kumar Prasad (Headmaster), Manoj Mahto and Manju Devi have already been examined and only two witnesses remain to be examined i.e. the victim and the Investigating Officer, Chandani Kumari. For securing their presence, all the processes have been issued including dasti summons dated 10.09.2025.

8. This Court finds that there is no new ground to re-



consider the bail application of the petitioner.

9. Having heard learned counsel for the parties, this Court finds that the trial is already in progress and only two witnesses remain to be 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.”

10. Considering the aforesaid facts and circumstances of the case as also the present stage of the trial, this Court is not inclined to grant bail to the petitioner.

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

12. Learned court below is directed to expedite the trial and conclude the same expeditiously preferably within a



period of two months from today. If the trial is not concluded within the aforesaid period of two months, the petitioner will be at liberty to renew his prayer for bail before the court below.

(Rudra Prakash Mishra, J)

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