

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48725 of 2025

Arising Out of PS. Case No.-271 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

Braj Kishor Prasad Singh @ Braj Kishore Singh S/O Late Maheshwar Prasad
Singh @ Maheshwar Singh Village- Kewatgawan, P.O.- Keotgama, P.S.-
Kuseshwar Asthan, District- Darbhanga- 848213

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

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

ORAL ORDER

2 04-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kusheshwar Asthan P.S. Case No. 271 of 2024 instituted for the
offences under Section 103(1) of the Bhartiya Nyaya Sanhita,
2023.

3. As per prosecution case, the petitioner fenced his
orchard from all sides by electric current and when the wife of
the informant tried to enter into the orchard then she got electric
shock and died on the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case due to local village politics. Learned counsel for the petitioner submits that the Investigating Officer, after completion of investigation, has submitted charge-sheet bearing Charge-sheet No. 264 of 2024 on 31.08.2024 under Section 105 of the Bhartiya Nyaya Sanhita, 2023 and the cognizance has also been taken by the learned court below under Section 105 of the Bhartiya Nyaya Sanhita, 2023. Learned counsel for the petitioner further submits that the charge has also been framed against the petitioner under Section 105 of the Bhartiya Nyaya Sanhita, 2023. Learned counsel for the petitioner further submits that out of total six charge-sheet witnesses, three witnesses including the informant have already been examined and the last witness was examined on 24.02.2025. Learned counsel for the petitioner further submits that the petitioner is a very old person and is suffering from many deceases. The petitioner has no criminal antecedent and is languishing in judicial custody since 14.08.2024 without any rhymes or reason.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard learned counsel for the parties, this



Court finds that the trial is already in progress and, out of total six witnesses, three including the Informant 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.”

7. 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.

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

9. Learned Trial Court is directed to expedite the trial and conclude the same expeditiously preferably within a period of six months from today. If the trial is not concluded within the



aforesaid period of six 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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