

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47703 of 2025

Arising Out of PS. Case No.-133 Year-2023 Thana- PAHARPUR District- East Champaran

Arvind Kumar @ Arjun Kumar @ Arvind Kushwaha @ Arbind Kushwaha @
Arjun Kushwaha S/O Late Balister Prasad R/O Village- Sataha Dube Tola,
P.S.- Paharpur, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Devashish Giri, Advocate Mr. Umesh Kumar Gupta, Advocate Mr. Sumit Kumar, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, 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
Sessions Case No. 503 of 2025 arising out of Paharpur P.S. Case
No. 133 of 2023 instituted for the offences under Sections 302
& 34 of the Indian Penal Code and Section 27 of the Arms Act.

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 14-11-2024 passed in Cr. Misc. No. 61430 of 2024.

4. In compliance of the order dated 10-07-2025 a
report dated 16-07-2025 with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that out of nine prosecution witnesses, no witness is examined hitherto. It is further reported that trial is likely to be concluded within a period of nine months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 17-01-2024 without any rhymes or reason. It is submitted that till date no witnesses have been examined in this case and there is no likelihood of 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 will commenced soon.

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 preferably within a period of six months from today. If the trial is not concluded within the period of six months, as stated above, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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