

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50634 of 2025

Arising Out of PS. Case No.-68 Year-2024 Thana- MADHWAPUR District- Madhubani

Md. Javed Shekh @ Md. Javed S/o- Md. Samin Shekh @ Md. Samim
Village- Madhwapur, Ward no- 5, P.S- Madhwapur District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. Earlier the regular bail of the petitioner was rejected vide order dated 24.02.2025 passed in Cr. Misc. No. 71462 of 2024 (Annexure-P1). The present is the second application for regular bail filed on behalf of the petitioner.

3. The petitioner seeks bail in connection with connection with Madhwapur P.S. Case No. 68 of 2024, instituted for the offences punishable under Sections 363, 366-A and 34 of the Indian Penal Code.

4. On perusal of the order of Court below, it appears that the trial is already in progress as also Charge has already been framed against the petitioner and three witnesses have been examined in this case and they have deposed in favour of the prosecution.



5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant 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 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.”

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial and conclude the same preferably within a period of four months. However, if the trial is not concluded within a period of four months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

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