

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56098 of 2025

Arising Out of PS. Case No.-800 Year-2023 Thana- BANKA District- Banka

Prabhash Kumar @ Prabhash Kumar Yadav S/o Kunni Yadav R/o Village -
Janak pur, P.S - Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, adv ,
For the Opposite Party/s : Mrs. Shaheen Begum, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Banka
P.S. Case No. 800 of 2023, S.T. No. 418 of 2024 instituted for
the offences under Sections 498A, 304B, 34 of the Indian Penal
Code and Sections 3/4 of the Dowry Prohibition Act.

3. Earlier vide order dated 24.10.2024 passed in Cr.
Misc. No. 43050 of 2024 the prayer for grant of bail to the
petitioner was rejected.

4. Prosecution case, in short, is that due to non-
fulfillment of dowry, the petitioner along with his family
members poured kerosene oil on the daughter of the informant
and set her on fire. During course of her treatment, she



succumbed to her burn injuries.

5. Learned counsel for the petitioner mainly submitted that the petitioner has been languishing in jail since 04.03.2024 and there is no significant progress in the trial. Learned counsel further submitted that out of eight charge-sheeted witnesses, only four have been examined till now and there is no likelihood of conclusion of trial in near future and therefore, petitioner may be released on bail. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State 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.”

7. Having considered the submissions made on behalf



of the parties, this Court finds no fresh ground to reconsider the matter which has already been decided on merit by this Court. Taking into account the present stage of 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.

10. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of four months from today.

(Rudra Prakash Mishra, J)

Alok Verma/-

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