

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55837 of 2025

Arising Out of PS. Case No.-70 Year-1999 Thana- KHIJARSARAI District- Gaya

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Dhirendra Yadav @ Dhirendra Kumar S/O Ramashish Yadav Resident of
Village- Nadra, Police Station- Khijarsaray, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Shandilya, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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

ORAL ORDER

2 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sessions Trial No. 372 of 2002 arising out of Khizersarai P.S.
Case No. 70 of 1999 instituted for the offences under Section
396 of the Indian Penal Code.

3. As per prosecution case, some unknown criminals
have committed *dacoity* and murdered the Informant's father.

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 village politics and personal grudge of the local people.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the five accused persons including the petitioner for offence under Section 396 of the Indian Penal Code.

5. Learned counsel for the petitioner further submits that three witnesses have been examined and the last witness was examined on 09.04.2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature.

7. Having heard learned counsel for the parties, this Court finds that the trial is in progress and three witnesses 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.”

8. 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.

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

10. 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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