

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64752 of 2025

Arising Out of PS. Case No.-1025 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Manish Kumar S/O Kisun Dev Yadav R/O Village- Gharghatta, P.S.-
Bahadurpur Fekla, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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

ORAL ORDER

3 26-09-2025 Heard Mr. Pankaj Kumar Das, learned counsel for the
petitioner and Mr. Nityanand Tiwary, learned APP for the State.

2. The petitioner seeks bail in connection with S.T.
No. 775 of 2024, arising out of Ahiyapur P.S. Case No. 1025 of
2024 instituted for the offences under Sections 137(2), 140(1) &
3(5) of the Bharatiya Nyaya Sanhita, 2023. Subsequently,
Section 103(1) of the BNS was added.

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 18.02.2025 passed in Cr. Misc. No. 1219 of 2025, taking
into account the nature and gravity of the offence as also there
being specific allegation against the petitioner of being involved



in the alleged occurrence.

4. In compliance of the order dated 09.09.2025, a report dated 17.09.2025 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that six out of ten charge sheet witnesses have been examined in this case hitherto.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 13.08.2024 without any rhymes or reason. Learned counsel for the petitioner submits that petitioner has suffered long incarceration and there is no likelihood of the trial being concluded in the near future, hence, he deserves the privilege of bail.

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. Considering the aforesaid facts and circumstances of the case, there is no new ground to consider the bail petition of the petitioner. From the aforesaid report, it also appears that the trial is going on and is at an advance stage.

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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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