

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71931 of 2025

Arising Out of PS. Case No.-259 Year-2023 Thana- AKBARPUR District- Nawada

Roushan Kumar @ Raushan Kumar Son of Ramchandra Prasad @
Ramchandra Mehto Resident of Village - Nad Purnadih, Ps- Akbarpur, Dist-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan Mallick, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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

ORAL ORDER

3 01-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Akbarpur P.S. Case No. 259 of 2023 (S. Tr. No. 559 of 2023)
instituted for the offences under Sections 365, 420, 376 & 34 of
the Indian Penal Code.

3. This is the fourth 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 orders
dated 10.10.2023, 25.06.2024 & 06.05.2025 passed in Cr. Misc.
No. 49200 of 2023, Cr. Misc. No. 38885 of 2024 & Cr. Misc.
No. 6604 of 2025.

4. In compliance of the order dated 10.10.2025, a
report dated 31.10.2025, with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that five out of seven prosecution witnesses have been examined in this case. It is further reported that trial is likely to be concluded within a period of three months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 25.03.2025, without any rhymes or reason, having no criminal antecedent. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel goes on to submit that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments.

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 is going on and is on the verge of its conclusion.

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

9. The District Magistrate, Nawada and the Superintendent of Police, Nawada are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

10. Let this order be communicated to the District Magistrate, Nawada and the Superintendent of Police, Nawada.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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