

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77808 of 2025

Arising Out of PS. Case No.-27 Year-2024 Thana- MALI District- Aurangabad

Harish Kumar Shekhar @ Harish Shekhar @ Tutu Pandey S/O Shrikant
Pandey R/O Village- Pandey Karma, P.S.- Mali, Distt.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

2 13-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Sessions Case No. 670 of 2024, arising out of Mali P.S. Case
No. 27 of 2024 instituted for the offences under Sections 302 &
120B of the Indian Penal Code and Section 27 of the Arms Act.

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 29.10.2024 passed in Cr. Misc. No. 53195 of 2024, taking
into account that there was specific and direct allegation of
committing murder of the deceased by causing fire arm injury.

4. Learned counsel for the petitioner submits that the



petitioner is languishing in judicial custody since 01.04.2024 without any rhymes or reason, having no criminal antecedent. Learned counsel for the petitioner submits that there is no likelihood of the trial being concluded in the near future, hence, he may be released on bail.

5. Learned APP for the State opposes the prayer for grant of bail. By referring to the impugned order, it is submitted that eight out of ten prosecution witnesses have been examined and only two are yet to be examined. 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.”

6. There is no new ground to consider the bail petition of the petitioner which is already decided by this Court on merit.



Moreover, from perusal of the impugned order, it appears that trial is on the verge of its conclusion.

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

(Rudra Prakash Mishra, J)

Raj Kishore/-

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