

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2368 of 2026

Arising Out of PS. Case No.-103 Year-2024 Thana- MIRGANJ District- Gopalganj

Oshihar Singh @ Oshiyar @ Oshiyar Singh S/o- Late Rama Singh Resident
of village- Kushandhi PS- Mirganj Dist-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Roy, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Indrajeet Bhushan, Advocate

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

ORAL ORDER

3 11-03-2026 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant.

2. The petitioner seeks bail in connection with
Mirganj P.S. Case No. 103 of 2024 instituted for the offences
under Sections 302, 120(B) & 34 of the Indian Penal Code.

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 24.01.2025, passed in Cr. Misc. No. 86456 of 2024, taking
into account the nature of accusation and the gravity of the
offence.

4. In compliance of the order dated 17.01.2026, a
report dated 27.01.2026 with regard to the present stage of trial



has been received. From perusal of the aforesaid report, it appears that six (6) out of eight (8) prosecution witnesses have been examined. 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 19.03.2024 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, petitioner may be enlarged on bail.

6. Learned APP for the State and learned counsel for the informant 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 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 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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