

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8042 of 2026

Arising Out of PS. Case No.-551 Year-2023 Thana- ROSERA District- Samastipur

Manish Kumar @ Anish Kumar Son of Upendra Mahto Resident of Village -
Basahi, Police Station - Cheriya Bariyarpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

ORAL ORDER

2 03-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Rosera
P.S. Case No. 551 of 2023 instituted for the offences under
Sections 394 & 302 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 28.10.2024, passed in Cr. Misc. No. 47649 of 2024, taking
into account the entire facts and circumstances of the case.

4. Learned counsel for the petitioner submits that the
petitioner is languishing in judicial custody since 09.11.2023



without any rhymes or reason, having ten (10) criminal antecedents. Learned counsel for the petitioner submits that all the charge sheet witnesses have been examined in this case except the Investigation Officer, which is pending for a long time. Learned counsel, therefore, submits that there is no likelihood of the trial being concluded in the near future. It is lastly submitted that petitioner has suffered long incarceration, hence, he may be enlarged on 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. There is no new ground to consider the bail petition of the petitioner, which is already decided by this Court on



merit. It is also explicit that the trial 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 one months from the date of receipt/production of a copy of this order. If the trial is not concluded within the period of one months, as stated above, the petitioner will be at liberty to renew his prayer before the court below.

9. The District Magistrate, Samastipur and the Superintendent of Police, Samastipur are also directed to take necessary steps to produce the witness 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, Samastipur and the Superintendent of Police, Samastipur.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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