

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11634 of 2026

Arising Out of PS. Case No.-559 Year-2017 Thana- NAGAR District- Vaishali

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Tinku Kumar S/o Late Chulhai Ray Resident of Village- Litiyahi, Police
Station- Ganga Bridge, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sweety Sinha, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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

ORAL ORDER

3 03-04-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 559 of 2017 instituted for the offences
under Sections 366A, 365, 34 of the Indian Penal Code.

3. Earlier vide order dated 20.09.2024 passed in Cr.
Misc. No. 13281 of 2024 and again vide order dated 02.09.2025
passed in Cr. Misc. No. 46224 of 2025, regular bail of the
petitioner was rejected by this Court twice, considering the
material against the petitioner as also Section 164 Cr.P.C.
statement of the victim.



4. In compliance of the order dated 13.02.2026 a report dated 10.03.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that none of the witnesses have been examined and only charges have been framed. It is further reported that trial is likely to be concluded in six months.

5. Learned counsel for the petitioner submits that this is the third application of the petitioner for grant of bail filed in the light of the liberty granted by this Court vide order dated 02.09.2025 in Cr. Misc. No. 46224 of 2025 to renew the prayer of bail after a period of five months if the trial is not concluded. He further submits that none of the witnesses has been examined as yet and only charge has been framed and there is no likelihood of conclusion of trial in near future. He further submits that the petitioner is languishing in judicial custody since 02.09.2023 without any rhymes or reason.

6. Learned APP for the State opposes the prayer for grant of bail. Learned APP for the State 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, the Hon'ble Apex Court has held 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 fresh ground to consider the bail petition of the petitioner and since the trial has commenced, this Court is not inclined to grant bail to the petitioner.

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, Vaishali and the Superintendent of Police, Vaishali are directed to ensure the presence of the witnesses before the learned court below as and when required for the expeditious conclusion of the trial within the stipulated time.

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



Vaishali for compliance.

(Rudra Prakash Mishra, J)

Alok Verma/-

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