

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16224 of 2026

Arising Out of PS. Case No.-296 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Azad Sai @ Azad @ Azad Sah S/o Makbul Sah @ Makbul Sai Resident of
Village- Badalu Tola, P.S.- Chapra Muffasil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Nath Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 24-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Chapra Muffasil P.S. Case No.296 of 2024 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

3. Learned counsel for the petitioner has submitted that earlier the bail petition of the petitioner was rejected vide order dated 03.03.2025.

4. Learned counsel for the petitioner has submitted that a report regarding stage of trial was called and from the report it is clear that till today altogether 5 witnesses have been examined by the prosecution, only I.O. and the informant is remaining. Learned trial court has reported in its report that the



trial will be concluded within six months.

5. Now coming to the merit of this case, as per the case of the prosecution, there is allegation against the petitioner that he has assaulted the deceased with lathi on her head due to which she has received bleeding head injuries and from perusal of the post-mortem report also it is clear that cause of death is the head injury.

6. Learned counsel for the petitioner has submitted that the petitioner is in judicial custody since 04.06.2024.

7. The application for bail is opposed by learned APP for the State and has submitted that the petitioner is the main assailant. Learned APP for the State has further submitted that the petitioner is the main assailant in the present case. He has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr** wherein in para- '14', Hon'ble Apex Court has held which is being quoted hereunder:-

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.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioner at this stage, however, he



is at liberty to renew his prayer for bail after six months if the trial is not concluded or after the examination of informant, whichever is earlier.

(Ashok Kumar Pandey, J)

durgesh/-

U		T	
---	--	---	--

