

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.986 of 2026

Arising Out of PS. Case No.-79 Year-2024 Thana- SIRARI District- Sheikhpura

Ajay Kumar @ Ajay Yadav @ Jhapo Yadav @ Ajay Kumar Yadav Son of
Late Yadu Yadav @ Late Yaddu Yadav Resident of Village- Mahsar, P.O.-
Bhadauns, P.S.- Sirari, District- Sheikhpura (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Shiv Shankar Mahto @ Shiv Shankar Mahto Resident
of Village- Mahsar, P.S.- Sirari and District- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Anish Kumar, Advocate

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

ORAL ORDER

4 15-05-2026 Heard learned counsel for the appellant and learned SPP
for the State as also learned counsel for the informant.

2. The instant appeal has been filed by the appellant
against the order dated 18.02.2026, passed by learned District
and Additional Sessions Judge-1st-cum-Special Judge, SC/ST
Act, Sheikhpura whereby the prayer for bail of the appellant in
connection with Sirari PS Case No. 79 of 2024 under Sections
191(2), 191(3), 190, 109 & 103(1) of the Bharatiya Nyaya
Sanhita, 2023, Section 27 of the Arms Act and Sections 3(1)(r)
(s) & 3(2)(va) of SC/ST Act was rejected.

3. This is the third attempt of the appellant for bail.



The appellant has renewed his prayer for grant of regular bail which was earlier rejected on merit by this Court vide order dated 11.09.2025, passed in Cr. Appeal (SJ) No. 2244 of 2025, taking into account specific and heinous nature of the allegation against the appellant. Again vide order dated 22.01.2026, passed in Cr. Appeal (SJ) No. 4770 of 2025, regular bail of the appellant was dismissed as withdrawn.

4. In compliance of the order dated 10.04.2026, a report dated 17.04.2026, with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that one (1) out of ten (10) prosecution witness is examined in this case. It is further reported that trial is likely to be concluded within a period of one year.

5. Learned counsel for the appellant submits that the appellant is languishing in judicial custody since 27.01.2025, without any rhymes or reason, having no criminal antecedent. Learned counsel for the appellant submits that there is no likelihood of the trial being concluded in the near future, hence, petitioner may be enlarged on bail.

6. Learned SPP 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 has commenced.

8. In view of the above, the prayer for bail of the appellant is again **rejected** with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of five months from today. If the trial is not concluded within the period of five months, as stated above, the appellant will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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