

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19564 of 2026

Arising Out of PS. Case No.-5 Year-2025 Thana- MAHILA P.S District- West Champaran

Dinesh Kumar Kushwaha S/o Alha Prasad Kushwaha @ Alha Mahato R/o
Village - Kuwarpatti, P.S - Yogapatti, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Imaginary name of the Victim) D/o Raja Pandit R/o - Enai, P.S - Rivilganj, District - Chhapra, Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the Informant	:	Mr. Vikash Kumar Shukla, Advocate

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

ORAL ORDER

4 08-05-2026 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
POCSO Case No. 175/2025, arising out of Bettiah Mahila P.S.
Case No. 05/2025 registered for the offences under Sections
65(1), 64, 62 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and
Sections 4 and 6 of POCSO 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 23.07.2025, passed in Cr. Misc. No. 22261 of 2025,
taking into account the nature of the accusation and the gravity



of the offence.

4. In compliance of the order dated 03.04.2026, a report dated 29.04.2026, with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that eight (8) out of twelve (12) prosecution witnesses have been examined in this case.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 05.02.2025 without any rhymes or reason. 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 opposes the prayer for grant of bail. Learned APP and learned counsel for the informant 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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