

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18373 of 2026

Arising Out of PS. Case No.-396 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Sunil Bind son of Jawahar Prasad Resident of Village- Sarewan PS- Bhabua
Distt- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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

ORAL ORDER

2 18-03-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Bhabua P.S. Case No. 396 of 2024 instituted for the offences
under Sections 302/34 of the Indian Penal Code.

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 by this Court vide order dated
03.03.2025 passed in Cr. Misc. No. 86249 of 2024 taking into
consideration the nature and gravity of the offence.

4. Learned counsel for the petitioner submits that the
petitioner is languishing in judicial custody since 05.06.2024
without any rhymes or reason and has got no criminal
antecedent. It is next submitted that the prosecution side has



filed an application under Section 311 of Cr.P.C. and Section 165 of the Indian Evidence Act for the purpose of exhibiting the inquest report annexed with the case diary and taking the same in evidence. It is further submitted that all the prosecution witnesses have been examined in this case.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that the trial is at the stage of argument and is likely to be concluded very soon. 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.”

6. 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.



7. In view of the above, the prayer for bail of the petitioner is again rejected with a direction to the court below to conclude the petition filed by the prosecution under Section 311 of Cr.P.C. and Section 165 of the Indian Evidence Act preferably within a period of one month and conclude the trial preferably within a period of two months from today.

(Rudra Prakash Mishra, J)

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