

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21433 of 2026

Arising Out of PS. Case No.-413 Year-2024 Thana- BABUBARHI District- Madhubani

Md. Mahboob S/O Md. Farid R/O Village- Mauahi, P.S- Babubarhi, Distt.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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

ORAL ORDER

2 03-04-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Babubarhi P.S. Case No. 413 of 2024, instituted for the offences
punishable under Section 64 of the Bharatiya Nyaya Sanhita,
2023.

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
06.08.2025 passed in Cr. Misc. No. 5859 of 2025 taking into
account the nature of accusation and gravity of the offence.

4. Learned counsel for the petitioner submits that the
petitioner is languishing in judicial custody since 14.09.2024
without any rhymes or reason and has got two criminal



antecedents. Learned counsel for the petitioner further submits that charge-sheet has been submitted in this case as also charge has already been framed against the petitioner and no any witness has been examined in this case.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. 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. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. 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 preferably within a period of six months from today. If the trial is not concluded within the period of six months, as stated above, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

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