

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23338 of 2026

Arising Out of PS. Case No.-35 Year-2023 Thana- CHUTIA SAHAYAK District- Rohtas

Ramesh Baitha @ Ramesh Kumar Son of Raju Baitha Resident of village-
Ladi, Po and Ps- Chainpur, Dist- Palamu, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX son of YYYY Resident of village- Chutiya tola Lambar Dai, Ps-
Chutiya, Dist- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 17-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Chutiya P.S. Case No. 35 of 2023 instituted for the offence under Sections 341, 323, 504, 506, 366(A), 34 of the Indian Penal Code and charge sheet has been filed under Sections 341, 323, 346, 363, 366(A), 354(A), 354(B), 376(D), 34 of the Indian Penal Code and Section 6 of the POCSO Act which was earlier rejected by this Court *vide* order dated 07.04.2025 passed in Cr. Misc. No. 80578 of 2024 with an observation that the petitioner will be at liberty to renew his prayer for bail after six months, if the trial is not concluded.

3. Learned counsel for the petitioner has submitted that



the trial has still not been concluded.

4. The case of the prosecution, in short, is that the minor daughter of the informant was being kidnapped by the petitioner and one another.

5. It is submitted by learned counsel for the petitioner that during the course of investigation, the victim was recovered and her statement under Sections 161 and 164 of the Cr.P.C. was recorded wherein she has specifically stated that the petitioner and one co-accused namely, Govinda have repeatedly raped her and in medical examination, it has also come that the intercourse has been performed with her.

6. Learned counsel for the petitioner further submits that from perusal of the order of the learned trial court, it transpires that the trial is at its fag end. He further submits that a statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 12.01.2024.

7. Learned APP for the State has relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024** 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 the learned counsel for the parties and considering the fact that bail petition of the petitioner has already been rejected earlier by this Court vide order dated 07.04.2025 passed in Cr. Misc. No. 80578 of 2024, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands again rejected.

9. However, the petitioner will be at liberty to renew his prayer for bail after three months, if the trial is not concluded. Learned trial court is directed to expedite the trial.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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