

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1945 of 2025

Arising Out of PS. Case No.-28 Year-2023 Thana- BHAGWANPUR District- Begusarai

Akshay Kumar Son of Ranjit Singh @ Ranjit Rai @ Ranjeet Ray Resident of
village -Dahiya PS -Bhagwanpur District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinki Kumari Wife of Late Arjun Sada Resident of village -Dahiya PS
-Bhagwanpur District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mohit Shriwastava, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, SPP
For the Informant	:	Mr. Anil Kumar Choudhary, Advocate

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

ORAL ORDER

4 05-02-2026 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 19.04.2025 passed by learned Exclusive Sessions Judge, SC/ST (PoA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Bhagwanpur PS Case No. 28 of 2023 under Section 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of SC/ST Act was rejected.

3. This is the second attempt of the appellant for bail. The appellant has renewed his prayer for grant of regular bail which was earlier dismissed on merit by this Court vide order



dated 19.06.2025, passed in Cr. Appeal (SJ) No. 22 of 2025, taking into account the nature of allegation which is serious as also considering the fact that a country made pistol and a bullet have been recovered from the appellant.

4. In compliance of the order dated 27.06.2025, a report dated 09.07.2025 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that four (4) out of six (6) charge sheet witnesses have been examined. It is further reported that only two official witnesses i.e., Investigating Officer and Doctor are yet to be examined.

5. Learned counsel for the appellant submits that the appellant is languishing in judicial custody since 15.02.2023 without any rhymes or reason, having one criminal antecedent. Learned counsel for the appellant submits that there is no likelihood of the trial being concluded in the near future, hence, appellant is entitled for bail.

6. Learned SPP for the State and learned counsel for the informant opposes the prayer for grant of bail. Learned SPP 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 appeal of the appellant, which is already decided by this Court on merit. From the aforesaid report, it appears that the trial is going on and is at an advance stage.

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

9. The District Magistrate, Begusarai and the Superintendent of Police, Begusarai are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.



10. Let this order be communicated to the District
Magistrate, Begusarai and the Superintendent of Police,
Begusarai.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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