

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35144 of 2026

Arising Out of PS. Case No.-21 Year-2024 Thana- Bijdhari District- East Champaran

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Shashi Rai @ Shashi Bhushan Kumar Yadav Son of Swarup Rai @
Ramswarup Rai Resident of village- Sundrapur, Ps- Bijdhari, Dist- East
champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Ray, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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

ORAL ORDER

2 15-05-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bijdhari
P.S. Case No. 21 of 2024, instituted for the offences under
Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and
27 of the Arms Act.

3. Earlier, vide order dated 29.08.2025 passed in Cr.
Misc. No. 22067 of 2025 regular bail of the petitioner was
rejected by this Court considering the nature and gravity of
offence and the material available in the case diary. The present
one is the second attempt of the petitioner for grant of bail.

4. Learned counsel for the petitioner mainly submits that



the petitioner is languishing in judicial custody since 12.11.2024 without any rhymes or reason. Learned counsel for the petitioner also submits that there are eight charge-sheeted witnesses and out of them, only one witness has been examined till date.

5. Learned APP for the State opposes the prayer for grant of bail and submitted that the trial has commenced. 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 fresh ground to consider the bail petition of 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 expeditiously



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)

Alok Verma/-

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