

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46192 of 2026

Arising Out of PS. Case No.-203 Year-2025 Thana- AIRPORT District- Patna

Sunil Chauhan @ Sunil Kumar S/o Late Dina Nath Prasad @ Dinanath
Paswan Resident of village- Tahal Tola, P.S.- Rupashpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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

ORAL ORDER

3 24-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Special
Case No. 1319 of 2025, arising out of Hawaii Adda P.S. Case
No. 203 of 2025 instituted for the offences under Section 64 of
the Bharatiya Nyaya Sanhita, 2023 and Section 37 of the Bihar
Prohibition and Excise Act.

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 on merit by this Court vide order
dated 20.02.2026, passed in Cr. Misc. no.. 87617 of 2025,
regular bail of the petitioner was rejected by this Court, taking
into account Section 183 BNSS statement of the victim.



4. In compliance of the order dated 10.07.2026, a report dated 15.07.2026, with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that one (1) out of five (5) prosecution witnesses have been examined in this case. It is further reported that trial is likely to be concluded within a period of three months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 27.08.2025, without any rhymes or reason, having no criminal antecedent. Learned counsel for the petitioner submits that there is no likelihood of the trial being concluded in the near future, hence, petitioner may be enlarged on bail.

6. Learned APP for the State opposes the prayer for grant of bail. Learned APP 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 bail petition of the petitioner. From the aforesaid report, it appears that the trial is going on.

8. 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 five (5) months from today. If the trial is not concluded within the period of five (5) months, as stated above, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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