IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45867 of 2026

CNR No. BRHC010659882026

Arising Out of PS. Case No.-139 Year-2025 Thana- CHHATAPUR District- Supaul

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Dhirendra Kumar Gupta S/o Raj Kumar Gupta R/o Village- Chhatapur, ward no. 4, PS- Chhatapur, Distt.- Supaul

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 05-11-2026 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Chhatapur P.S. Case No. 139 of 2025 instituted for the offence under Sections 109(1), 115(2), 118(1) 126(2), 351(2), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023. Subsequently, Section 103(1) of the BNS was added.

3. The prosecution case, in brief, is that on 03.05.2025, the accused Pramod Sah and his son Ranjit Kumar allegedly assaulted the informant's father, Jagdish Sah, with a spade at their residence, causing grievous injuries and excessive bleeding. It is further alleged that they washed away the blood

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from the place of occurrence and attempted to dispose of the victim's body to conceal the crime.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.05.2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. The petitioner was not named in the FIR at the initial stage, and his name surfaced only during the subsequent restatement of the informant. Learned counsel for the petitioner submits that the petitioner has been implicated in the present case at a subsequent stage as an afterthought, with a view to falsely roping him into the criminal proceedings. Nothing has been recovered from the conscious possession of the petitioner. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that witness, namely, Yogendra Ram, has stated that petitioner assaulted the deceased by means of spade. Postmortem report corroborates the allegation levelled against the petitioner. It is lastly submitted that one out of eight

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prosecution witnesses have been examined in this case, which is evident from a report dated 09.10.2026, received from the Court below. 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. Considering the aforesaid facts and circumstances of the case and particularly taking into account the fact that trial has commenced, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is hereby ***rejected***.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments preferably within a period of six months.

9. However, petitioner will be at liberty to renew his

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prayer for bail in the Court below, if the trial is not concluded within a period of six months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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