

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79110 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- BANKA District- Banka

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Bibhishan Tanti @ Bibhishan Kr. Tanti Son of Basudeo Tanti Resident of village - Louni, P.S.- Barahat, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gopal Yadav Son of Sahdeo Yadav Resident of village - Mangra, P.S. and District - Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 09-01-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Banka P.S. Case No. 397 of 2024 instituted for the offences under Section 96 of the Bharatiya Nyaya Sanhita, 2023. Subsequently, Section 8 of the POCSO Act was also added.

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 16.04.2025, passed in Cr. Misc. No. 3077 of 2025, taking into account the nature and gravity of the offence coupled with the fact that the victim is minor; hence her consent is not



admissible in the eye of law.

4. In compliance of the order dated 14.11.2025, a report dated 21.11.2025 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that all six charge sheet witnesses have been examined in this case. It is further reported that trial is likely to be concluded within a period of three to four months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 26.09.2024, without any rhymes or reason. 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 and is at an advance stage.

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 two months from today. If the trial is not concluded within the period of two 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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