

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79982 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- SHANKARPUR District- Madhepura

Sanjiv Sharma @ Tiruwa S/o Late Ram Chandra Sharma R/o Vill-
Lakhminiya, Ward no.014, P.S- Singheswar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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

ORAL ORDER

6 26-02-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Shankarpur P.S. Case No. 18 of 2025, instituted for the offences punishable under Sections 64, 75, 76, 3(5), 103(1), 238 of the Bharatiya Nyaya Sanhita, 2023 and Section 67 of the Information Technology Act.

3. The prosecution case, in short, is that the accused persons including the petitioner committed rape and murder of the victim girl.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case.



Learned counsel for the petitioner also submitted that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Prabhu Sah and the same has got no evidentiary value. The allegation levelled against the petitioner is general and omnibus in nature. It is further submitted that the trial is going on and all the witnesses have been examined except Doctor and the trial is at the verge of conclusion. The petitioner is in custody since 30.04.2025 and has got one criminal antecedent in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and has submitted that co-accused, namely Prabhu Sah has confessed the name of the petitioner. It is next submitted that the trial is at the verge of conclusion. Learned APP for the State has 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. Considering the aforesaid facts and circumstances of the case and present stage of the case, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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