

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80329 of 2025

Arising Out of PS. Case No.-108 Year-2023 Thana- DHANKUND District- Banka

Kundan Mahto @ Matuki Mahto S/o Late Raj Kishore Mahto R/o Village-
Harinagar, P.S- Goradih, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md.Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**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 S.T.
No. 54 of 2024, arising out of Dhankund P.S. Case No. 108 of
2023 instituted for the offences under Section 302 of the Indian
Penal Code and Sections 25(1-B)a, 26 & 27(3) of the Arms 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 23.10.2024 passed in Cr. Misc. No. 42260 of 2024.

4. In compliance of the order dated 21.11.2025, a
report dated 27.11.2025, with regard to the present stage of trial
has been received. From perusal of the aforesaid report, it



appears that twelve (12) out of thirteen (13) 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 months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 10.09.2023 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 deserves the privilege of regular 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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