

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83789 of 2025

Arising Out of PS. Case No.-351 Year-2024 Thana- GAURICHAK District- Patna

Laxman Prasad @ Lakshman Prasad Son of Late Amlesh Prasad R/o Village-
Beldari Chak, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Malti Devi Wife of Birendra Kumar R/o Village- Beldari Chak, P.S.-
Gaurichak, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Ranjeet Kumar, Advocate

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

ORAL ORDER

4 09-02-2026 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Gaurichak P.S. Case No. 351 of 2024, instituted for the offences
under Sections 376, 506, 34 of the Indian Penal Code, read with
Sections 4,6 and 8 of POCSO 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 by this Court vide order dated
04.04.2025 passed in Cr. Misc. No. 13051 of 2025 taking into
account the statement of the victim recorded under Section 183
of the Bharatiya Nagarik Suraksha Sanhita, 2023.



4. In compliance of the order dated 28.11.2025, a report dated 05.01.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that charge has been framed against the accused of this case on 20.12.2025 and the victim has also been examined in this case. It is further reported that the 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 21.07.2024 without any rhymes or reason and has got no criminal antecedent.

6. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that the trial is in progress, charge has been framed against the petitioner and the victim has already been examined in this case. Learned counsel for the informant 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.”

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. However, if the trial is not concluded within the period of four months, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

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