

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4686 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- Mufassil District- Khagaria

Chhotu Mishra @ Krishna Kanhiya S/o Late Manoj Mishra R/o Village -
Amni, P.S - Mansi, District - Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Kumari @ Mamta Devi W/o Late Rohit Ram R/o Village - Amni, P.S
- Mansi, District - Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jai Kishor Poddar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

5 19-02-2026 Heard learned counsel for the appellant and learned SPP
for the State.

2. The instant appeal has been filed by the appellant against the order dated 31.10.2025 passed by learned District and Additional Session Judge 1st cum Special Judge (SC/ST) Khagaria whereby the prayer for bail of the appellant in connection with Muffasil PS Case No. 112 of 2024 instituted under Sections 191(2), 191(3), 190, 103(1) of the Bharatiya Nyaya Sanhita, 2023, Section 27 of the Arms Act and Section 3(2)(v) of SC/ST Act was rejected.

3. This is the second attempt of the appellant for bail. The appellant has renewed his prayer for grant of regular bail



which was earlier rejected on merit by this Court vide order dated 10.04.2025 passed in Cr. Appeal (SJ) No. 153 of 2025, taking into account the facts and circumstances of the case. Again vide order dated 14.10.2025, passed in Cr. Appeal (SJ) No. 3386 of 2025, regular bail of the appellant was dismissed as withdrawn.

4. In compliance of the order dated 16.12.2025, a report dated 22.12.2025 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that one (1) out of six (6) prosecution witness has been examined.

5. Learned counsel for the appellant submits that the appellant is languishing in judicial custody since 10.09.2024 without any rhymes or reason, having no criminal antecedent. Learned counsel for the appellant submits that there is no likelihood of the trial being concluded in the near future, hence, appellant may be enlarged on bail.

6. Learned SPP for the State opposes the prayer for grant of bail. Learned SPP 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 appeal of the appellant. From the aforesaid report, it appears that the trial has commenced.

8. In view of the above, the appeal is again ***dismissed*** with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of four months from today. If the trial is not concluded within the period of four months, as stated above, the appellant will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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