

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83794 of 2025

Arising Out of PS. Case No.-246 Year-2024 Thana- BENIPATTI District- Madhubani

Krishna Kumar @ Krishan Kumar S/o Abodh Yadav R/o Village - Kerwa, P.S
- Saharghat, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kumari Pallavi, Advocate
For the State	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Ankit Raj, Advocate

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

ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant. Perused
the case diary.

2. The petitioner seeks bail in connection with
Benipatti P.S. Case No. 246 of 2024 instituted for the offence
under Sections 103(1), 61(2) & 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Sections 25(1-B)a, 26, 27 & 35 of the Arms
Act. Earlier vide order dated 14.11.2025, passed in Cr. Misc.
No. 63307 of 2025, regular bail of the petitioner was rejected by
this Court, taking into account ample material against the
petitioner.

3. As per prosecution case, the accusation against the
petitioner is of being involved in committing the murder of the



informant's father by firing.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.02.2025. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired during investigation. There is no eye witness to the occurrence. Learned counsel for the petitioner mainly submits that identically situated co-accused person has been enlarged on regular bail by this Court in second attempt vide order dated 09.01.2026, passed in Cr. Misc. No. 86410 of 2025.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant fervently submits that trial in this case has commenced and one (1) out of eight (8) charge sheet witness has been examined. 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. Considering the aforesaid facts and circumstances of the case and since trial has commenced in this case, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail is again ***rejected***.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

9. However, petitioner will be at liberty to renew his prayer for bail, if the trial is not concluded within a period of three months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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