

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90514 of 2025

Arising Out of PS. Case No.-347 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Dilkhush Yadav Son of Vijay Yadav Resident of village - Dimaha, P.S.-
Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

3 11-03-2026 Heard Mr. Mukesh Kumar, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with S. Tr.
No. 684 of 2025, arising out of Naugachia P.S. Case No. 347 of
2024 instituted for the offences under Sections 103(1) & 3(5) of
the Bharatiya Nyaya Sanhita, 2023 and Section 27 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 18.06.2025 passed in Cr. Misc. No. 18149 of 2025, taking
into account the nature and gravity of the offence as also there
being direct allegation of firing against the petitioner.



4. In compliance of the order dated 17.01.2026, a report dated 02.02.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that all the six charge sheet witnesses have been examined in this case and statement of accused is also recorded under Section 313 of the Cr.P.C. It is further reported that trial is likely to be concluded within a period of two months.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 21.11.2024 without any rhymes or reason, having eleven (11) criminal antecedents. Learned counsel for the petitioner submits that there is no likelihood of the trial being concluded in the near future, hence, petitioner may be enlarged on 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 one months from today. If the trial is not concluded within the period of one months, as stated above, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

