

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91580 of 2025

Arising Out of PS. Case No.-170 Year-2024 Thana- BENIPATTI District- Madhubani

Ram Babu Yadav, S/o- Ram Narayan Yadav, Resident of Village- Kachhara,
Hardiya Tol, Ward No 05, Police Station- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Md Soban Asghar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-03-2026 Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Benipatti P.S. Case no.170 of 2024, registered under sections 103 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that he received information about his brother having been shot by unknown accused persons. On reaching the place of occurrence and taking his brother for treatment, the informant states that he was declared dead by the doctor.

4. It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 24.3.2025 passed in Cr. Misc. no.85261 of



2024 directing the learned trial Court to expedite the trial and to conclude the same preferably within a period of nine months. In spite of almost a year having passed since passing of the said order on 24.3.2025, the trial is still continuing and there is no chance of the same concluding in the near future. The petitioner is in custody since 26.8.2024 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter no.06/2026 dated 20.1.2026 of the learned District and Additional Sessions Judge-III, Madhubani, eight witnesses on behalf of the prosecution had been examined till the date of the report and only the informant and the Investigating Officer of the case remain to be examined. The report further states that the next date fixed in the trial is 21.1.2026.

7. At this stage, learned counsel for the petitioner submits that as per oral instructions received, the informant has been examined but the Investigating Officer is not appearing in the learned Court below therefore the trial remains pending. Further the defence witnesses also remain to be examined.



8. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired in course of investigation, the application for bail of the petitioner having been rejected earlier by order dated 24.3.2025 and the substantial progress in the trial in the learned trial Court wherein taking into account the statement made by learned counsel for the petitioner, nine prosecution witnesses have already been examined and only the Investigating Officer of the case remains to be examined, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

9. In case the Investigating Officer of the case namely Gautam Kumar has not already been examined in the learned trial Court, the Superintendent of Police, Madhubani shall ensure his appearance and examination in the trial on the next date fixed.

10. The learned trial Court is directed to expedite the trial and to conclude the same within a period of 3 months from the date of closure of examination of the defence witnesses.

(Partha Sarthy, J)

avinash/-

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

