

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47211 of 2022

Arising Out of PS. Case No.-8 Year-2018 Thana- BITHAN District- Samastipur

SANJEET KUMAR @ GORKHA YADAV S/o Shree Boot Yadav Resident of
Village- Sihma, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11301 of 2023

Arising Out of PS. Case No.-8 Year-2018 Thana- BITHAN District- Samastipur

JIWACHH YADAV S/o Nandan Yadav R/o Village- Sihma, P.S.- Bithan,
Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47211 of 2022)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, APP

For the Informant : Mr. Atul Shankar, Advocate

(In CRIMINAL MISCELLANEOUS No. 11301 of 2023)

For the Petitioner/s : Mr. Sanjiv Sharan, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 01-09-2023 Heard Mr. Ramakant Sharma, learned senior counsel
for the petitioner in Cr.Misc.No.47211 of 2022 and Mr. Sanjiv
Sharan, learned counsel for the petitioner in Cr.Misc.No.11301
of 2023.

By filing these applications, the petitioners have
renewed their prayer for bail in connection with Bithan P.S.



Case No.08 of 2018 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Earlier the prayer for bail of the petitioners was rejected by this Court vide order dated 05.07.2021 in Cr.Misc.No.22436 of 2020 and order dated 18.08.2021 passed in Cr.Misc. No.5576 of 2021 respectively. This Court has taken note of the fact that the petitioners were absconding in the cases in which they have got criminal antecedents and further that the witnesses in the present case were under threat. In fact, in the present case the deceased himself was a witness in the earlier case.

This Court rejected the prayer for bail for the reasons stated in the order.

At this stage, a report has been received from the learned trial court vide letter no.452/2023 dated 24th August, 2023 from which it appears that the prosecution witnesses have already been examined and now the case is fixed for evidence of Doctor and I.O.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioners on the ground that if released on bail the witnesses are likely to



be threatened once again and the conclusion of the trial will be delayed.

Having regard to the aforementioned facts and circumstances of the case and on finding that the prosecution case is almost on the verge of closure and now only the doctor and I.O. are to be examined, this Court is not inclined to grant privilege of bail to the petitioners. Prayer is refused.

Let the trial court proceed with the trial by keeping the records on shorter dates and the Superintendent of Police, Samastipur is directed to ensure that the summons/warrants, if any, issued against the official witnesses must be immediately executed and all endeavours be made to produce them on the date fixed in the matter.

Both the applications are dismissed.

(Rajeev Ranjan Prasad, J)

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