

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27085 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- RAMNAGAR District- West Champaran

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Samir Khan S/o Gulab Khan R/o Village- Baikunthpur, P.S.- Ramnagar,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Advocate

For the State : Mr.Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant.

2. This is the second attempt for bail of the petitioner
as earlier such prayer was rejected by order dated 13.12.2023 in
Cr. Misc. No. 66937 of 2023.

3. The petitioner seeks bail in connection with
Ramnagar P.S. Case No. 245 of 2023 registered for the offence
punishable under Sections 302, 201/34 and 120(B) of the Indian
Penal Code.

4. The following order was passed on 13.12.2023 in
Cr. Misc. No. 66937 of 2023 which reads as under:



“Heard the learned counsel for the petitioner, learned APP for the State and the learned counsel for the Informant.

2. The petitioner seeks regular bail in a case registered for the offence under Section 302, 201, 34, 120B of the Indian Penal Code.

3. As per the prosecution case, the petitioner was seen with the deceased subsequently the dead body was found.

4. Learned counsel for the petitioner submits that this is case of last seen and there is no eye witness to the said occurrence. The petitioner is in custody since 09.08.2023, he is quite innocent and has not committed any offence.

5. Learned A.P.P. has vehemently opposed the prayer for bail and has submitted that it is the petitioner who was lastly seen with the deceased and subsequently, the dead body of the deceased has been recovered.

6. Considering the allegations levelled against the petitioner, I am not inclined to grant bail to the petitioner. This application is dismissed.

7. The Court below is directed to expedite the trial of the petitioner.

8. The petitioner may renew his prayer for bail, if there is no sufficient progress in the trial.”

5. From the report it appears that three witnesses have been examined out of eight charge-sheeted witnesses

6. Learned counsel for the informant submitted that the prosecution will co-operate in the trial and will examine the three witnesses on the next appointed date fixed. The official witnesses also should be issued summon so that the trial is not delayed.



7. Accordingly, the application stands dismissed.

8. Let a copy of this order be communicated to the concerned Court for its compliance through FAX or e-mail forthwith.

(Sandeep Kumar, J)

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