

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.397 of 2023

Arising Out of PS. Case No.-671 Year-2020 Thana- DANAPUR District- Patna

XXX, S/O Sanjay Singh @ Sanjay Yadav @ Sanjay Rai, R/O Vill. Nasriganj,
Biscuit Factory Road, Behind of Sai IIT, PS. Danapur, Dist. Patna Through
his Father Sanjay Singh @ Sanjay Yadav @ Sanjay

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Advocate Mr. Sudhir Singh, Advocate Mr. Priyesh Kumar, Advocate
For the Respondent/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-03-2024 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

2. By filing this application, the petitioner has renewed his prayer for bail in connection with Danapur P.S. Case No.671 of 2020 registered for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 25.07.2022 passed in Cr. Rev. No.40 of 2022 with liberty to the petitioner to renew his prayer for bail if the trial remains unconcluded for a period of nine months from the date of the communication of the order for



no reason attributable to the petitioner.

4. Learned counsel for the petitioner submits that as per the report dated 01.12.2023 received from the court of learned Additional District and Sessions Judge-I, Patna only two witnesses out of five charge-sheet witnesses could be examined and the informant who is one of the witnesses has been reported dead.

5. Learned counsel submits that even as he has not brought on record the deposition of the two witnesses, if time is granted, he can place the same on the record.

6. On the other hand, learned APP for the State submits that since the trial is on way and out of five witnesses, one has been reported dead while two others have been examined, if at all the prayer for bail of the petitioner is to be considered afresh, he may be granted liberty to apply for the same in the trial court but in absence of those materials which have already come on the record of the learned trial court, this Court may not consider the fresh prayer for bail.

7. Having regard to the submissions noted hereinabove, this Court is disposing of the present revision application with liberty to the petitioner to file a fresh application for bail in the learned trial court where his prayer for



bail shall be considered by the learned trial court keeping in view the materials which have transpired in course of trial and an appropriate order thereon shall be passed.

8. It is made clear that the learned trial court shall not get prejudiced from the fact that this Court has not entertained the revision application.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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