

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48154 of 2024

Arising Out of PS. Case No.-21 Year-2022 Thana- THARTHARI District- Nalanda

Sanjay Yadav @ Sanjay Gope Son of Baso Gope Resident of Vill- Mehtrawa
P. Of.- Bhatahar, P.S.- Tharthari District- Nalanda, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prakash Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and
learned APP for the State Shri Jharkhandi Upadhyay.

2. This is the second attempt of the petitioner for grant of regular bail as earlier the bail application of the petitioner was rejected vide order dated 2.4.2024 passed in Cr. Misc. No. 19522 of 2024 which reads as under:-

*Heard learned counsel for the petitioner and
learned APP for the State.*

*2. The petitioner seeks bail in connection with
Tharthari P.S. Case No. 21 of 2022 registered for the
offence under Sections 302/34 of the Indian Penal Code
and under Section 34 of the Arms Act.*

*3. As per the prosecution case, the petitioner is
the assailant of the deceased who has shot at the deceased
and has killed the deceased.*

*4. It has been submitted by the learned APP
for the State that the trial has started.*

*5. Considering the fact that the trial is going
on, this Court is not inclined to grant bail to the petitioner.*

6. Accordingly, this application is dismissed.

7. If the trial of the petitioner is delayed due



to the fault of the prosecution side then the petitioner may renew his prayer for grant of bail.

3. Upon perusal of the impugned order and the materials available on record, no new ground has been raised by the petitioner for grant of bail.

4. Accordingly, this application is dismissed.

5. The Superintendent of Police, Nalanda is directed to produce the witnesses on the dates fixed in the concerned Court below as it has been submitted by the learned counsel for the petitioner that the trial is delayed because of the non-appearance of the witnesses. In case the witnesses again choose not to appear on the dates fixed by the trial Court then the Superintendent of Police, Nalanda will have to explain as to why the witnesses are not appearing/produced.

6. Let a copy of this order be communicated to the Superintendent of Police, Nalanda through FAX for its compliance.

(Sandeep Kumar, J)

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