

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55447 of 2024**

Arising Out of PS. Case No.-173 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Rohan Kumar Son of Kanhaiya Prasad Resident of Mohalla- Kachouri Gali,
Dira Par, P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Chowk
P.S. Case No. 173 of 2022 registered for the offence punishable
under Sections 302/201/34 of the Indian Penal Code and
Section 25(1-b)a/26/35 of Arms Act.

3. As per the prosecution case, the petitioner
alongwith other accused persons demanded extortion money
from the informant's son and after denial, shot him below his
neck.

4. The petitioner is the assailant of the deceased. He is
in custody since 21.04.2022.



5. Considering the fact that the petitioner is the assailant of the deceased, I am not inclined to grant bail to the petitioner and therefore, the present bail application is hereby rejected.

6. It has been submitted by Mr. Pramod Kumar, learned counsel for the petitioner that though charges has been framed about one and half years back but no witnesses is being examined in this case.

7. The prosecution cannot take the liberty of not examining the witnesses when the petitioner and other accused persons are in jail.

8. In these circumstances, the S.S.P., Patna is directed to see that the witnesses are produced in the Court on the date fixed if the charges have been framed. If the charges have not been framed then the learned trial court will frame the charges and thereafter, the S.S.P., Patna will take steps for producing the witnesses.

9. If the trial is delayed by the prosecution, the petitioner may renew his prayer for bail.

10. Let a copy of this order be communicated to the S.S.P., Patna and District Judge, Patna for its compliance through FAX or e-mail forthwith.



11. Mr. Jharkhandi Upadhyay, learned APP for the
State will communicate this order to the S.S.P., Patna.

(Sandeep Kumar, J)

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