

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53977 of 2024

Arising Out of PS. Case No.-211 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

=====

Dharmendra Kumar @ Dharmendra S/o- Sidheshwar Chouhan @
Singheshwar Chouhan @ Singheshwar Prasad Village- Lalu Bigha Ps- Bind
Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr.Indeshwari Prasad Mandal
For the Opposite Party/s :	Mr. Mukeshwar Dayal
	Mr. Vikrant Kumar
	Mr. Viksa Mohan
For the State :	Mr.Bharat Lal

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-08-2024 This is the second attempt of the petitioner for grant
of bail. Earlier his application was rejected vide order dated
23.08.2023 passed in Cr. Misc. No. 52086 of 2023.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The following order was passed on
23.08.2023:-

*“Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the Informant.
Learned Additional Public Prosecutor for the State is also
present.*

*The petitioner is in custody since 15.03.2023 in
connection with Magadh Medical P.S. Case No. 211 of 2021
registered for the offence punishable under Sections
302/201/34 of the Indian Penal Code.*



As per the F.I.R., the petitioner along with other co-accused persons had killed the deceased for some monetary dues.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to enmity. It is further submitted that there was no dispute with regard to money between the deceased and the petitioner. He submits that no incriminating article has been recovered from the possession of the petitioner and the allegations levelled against the petitioner are false and frivolous.

However, learned A.P.P. appearing on behalf of the State vehemently opposed the bail application and submits that during the investigation, it has come that the petitioner along with the other accused persons had killed the deceased and it is the petitioner who had given the fatal blow.

Considering the facts and circumstances of the case and also the fact that there is specific allegation of assault against the petitioner, I am not inclined to enlarge the petitioner on bail. It is, accordingly, dismissed.

The trial court is directed to expedite the trial.”

3. It has been submitted by learned counsel for the petitioner that the charge has been framed on 21.12.2023 but no witness has been examined till date.

4. No new ground for review of the earlier order is made out. It is accordingly dismissed.

5. Learned counsel for the informant undertakes to produce witnesses regularly. If the prosecution does not produce the witness regularly and delays the trial, then the petitioner will



have the liberty to renew his prayer for bail.

6. The Senior Superintendent of Police, Gaya is duty bound to produce the witnesses in the sessions trial.

7. Let a copy of the order be communicated to the Senior Superintendent of Police, Gaya through FAX/e-mail forthwith for compliance of the order.

(Sandeep Kumar, J)

Saif/-

U		T	
---	--	---	--

