

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79893 of 2024**

Arising Out of PS. Case No.-757 Year-2023 Thana- PATRAKARNAGAR District- Patna

Sanju Kumar Son of Late Kisan Paswan @ Krishna Paswan Mohalla- Jhuggi-  
Jhopari, Kankarbagh, P.S.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                   |
|----------------------|---|-------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Arvind Kumar Mouar, Advocate<br>Mr. Raj Krishna Jha, Advocate |
| For the State        | : | Mr. Jharkhandi Upadhyay, APP                                      |

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      17-12-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. This is the second attempt for bail of the petitioner  
as earlier such prayer was rejected by order dated 16.04.2024 in  
Cr. Misc. No. 7666 of 2024.

3. The petitioner seeks bail in connection with  
Patrakar Nagar P.S. Case No. 757 of 2023 registered for the  
offence punishable under Section 302 of the Indian Penal Code.

4. The following order was passed on 16.04.2024 in  
Cr. Misc. No. 7666 of 2024 which reads as under:

*“Heard learned counsel for the  
petitioner and Mr. Jharkhandi Upadhyay,  
learned Additional Public Prosecutor for the  
State.*

*2. The petitioner seeks bail in  
connection with Patrakar Nagar P.S. Case No.*



*357/2023 registered for the offence punishable under Sections 302 of the Indian Penal Code.*

*3. A thief was caught and while being taken to police, he has stabbed the deceased who is the father of the informant. The petitioner is in jail since 03.10.2023.*

*4. Learned counsel for the petitioner Mr. Mouar has tried to argue that the description of the petitioner does not match with the description mentioned in the F.I.R.*

*5. Learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for bail.*

*6. Considering the fact that the petitioner is the assailant of the deceased, this application is dismissed.”*

5. It has been submitted by learned counsel for the petitioner that in the trial all material witnesses have been examined but they have not identified the petitioner. Therefore, the petitioner may be granted bail.

6. Learned APP for the State has opposed the prayer for bail.

7. Considering the fact that the trial is on the verge of completion and also considering the law laid down by the Hon'ble Supreme Court in the case of **X vs. State of Rajasthan & Anr.** reported in **2024 SCC Online SC 3539**, this application is dismissed.

8. The Court below is directed to expedite the trial. No unnecessary adjournment shall be granted to the prosecution.



9. The Senior Superintendent of Police, Patna is directed to produce the witnesses on the date fixed.

10. Let a copy of this order be communicated to the Senior Superintendent of Police, Patna forthwith through FAX or e-mail for its compliance.

**(Sandeep Kumar, J)**

P. Kumar

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