

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80324 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- SULTANGANJ District- Bhagalpur

Shanku Sah Son of Gauri Shankar Sah @ Gauri Sah R/O Vill.- Abjuganj, P.S.-
Sultanganj, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Pravina Kumari
		Mr. Bijendra Kumar
For the Opposite Party/s	:	Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-12-2024 Heard the learned counsel for the parties.

2. This is the 2nd attempt of the petitioner. Earlier the bail application of the petitioner was rejected vide order dated 08.05.2024 passed in Cr. Misc. No. 33492 of 2024.

3. The petitioner seeks regular bail in a case registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. The following order was passed on 08.05.2024 in Cr. Misc. No. 33492 of 2024:-

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

2. The petitioner seeks bail in connection with Sultanganj P.S. Case No. 262 of 2023 in Trial No. 950 of 2023 registered for the offence under Sections 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution case, the



petitioner along with three other co-accused persons have hatched the plan to commit the loot.

4. As the petitioner was well known in the locality, it was decided that the he will not participate in the loot and will wait for the other co-accused to commit loot and thereafter, he will give them shelter and the looted articles will be divided between all the accused persons and Shanku Sah, the petitioner.

5. Loot was committed by the accused persons and while committing the loot, the deceased was killed. The accused persons thereafter came to the house of Shanku Sah, kept the looted articles there and they left.

6. From the above, it is clear that the petitioner was involved in the crime from the beginning to end and he is in custody since 22.7.2023.

7. Considering the aforesaid facts, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this application is dismissed.

9. The Court below is directed to expedite the trial of the petitioner and conclude the same at the earliest.

5. The learned counsel for the petitioner has submitted that the petitioner has renewed the prayer of bail only on the ground that the trial is delayed. She has further submitted that one witness has been examined who has turned hostile and thereafter, on 17.12.2024 was a date fixed on which no witness appeared. She further says that the petitioner is in custody since 22.07.2023 and he deserves bail.

6. The learned APP for the State has vehemently opposed the prayer for bail. He has relied upon a recent judgment of Hon'ble Supreme Court in the case of *X vs. State*



of Rajasthan, 2024 SCC OnLine SC 3539 and has submitted that once the trial has started, the petitioner in such a serious case cannot be granted bail.

7. I have considered the submissions of both the parties.

8. The criminals while committing loot have killed the deceased. The role of the present petitioner has been considered in detail in the order dated 08.05.2024 passed by this Court. So far as the submission of the learned counsel for the petitioner is concerned that the petitioner is in custody since long, the same cannot be considered once the trial has started and witnesses are being examined.

9. Accordingly, this application for regular bail is hereby rejected with a direction to the Senior Superintendent of Police, Bhagalpur to ensure the appearance of the witnesses on the date fixed so that the right of speedy trial of the petitioner is not defeated.

(Sandeep Kumar, J)

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