

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21534 of 2025

Arising Out of PS. Case No.-243 Year-2019 Thana- VISHNUPAD District- Gaya

Sanjay Yadav @ Chonga son of Keshwar Yadav R/O Village-Ghughari Tand
Chhatubigha, PS-Vishnupad, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 20-06-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.534/20/219/20 (arising out of Vishnupad P.S. Case no.243 of 2019) registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner is said to have shot the elder brother of the informant.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected on several occasions, the last being vide order dated 13.9.2024 passed in Cr. Misc. no.48891 of 2024. In spite of the petitioner having remained in custody since 17.12.2019, the trial has still not concluded for no fault of this petitioner. The petitioner



undertakes to cooperate in the trial and to abide by any conditions which may be laid by this Court for his release on bail. In support of his contention, learned counsel for the petitioner relies on the judgment of the Hon'ble Supreme Court dated 18.7.2024 passed in Criminal Appeal no.2790 of 2024.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner is the sole assailant of the deceased and the trial is near its conclusion. In fact, the case was fixed for judgment in the learned trial Court when the co-accused absconded.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 16.5.2025 of the learned Additional Sessions Judge 1st, Gaya, the case was fixed for judgment on 5.4.2025 when a petition under section 317(1) of the Cr.P.C. was filed on behalf of two other co-accused persons, however, the prayer made therein was rejected, their bail bond was cancelled and non-bailable warrants issued against both of them. It further transpires from the record that subsequently vide order dated 29.4.2025, process under section 82 Cr.P.C. has been issued on 2.5.2025 and a copy of the order has also been sent to the various authorities including the S.S.P., Gaya and the I.G., Magadh Range, Gaya.



7. On a query by this Court as to whether any petition had been filed on behalf of the petitioner for splitting the case of the petitioner with the other co-accused who were not appearing, learned counsel for the petitioner submits that he has no instructions.

8. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner who is said to be the assailant of the elder brother of the informant together with the trial having reached near its conclusion with the case having been fixed for judgment, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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