

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52137 of 2024**

Arising Out of PS. Case No.-313 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Sanjeev Kumar S/o Uday Kumar @ Uday Kant @ Uday Kant Yadav R/o vill -
Mahana, P.O. and P.S. and Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Muneshwar Prasad

For the Opposite Party/s : Mr.Akshay Lal Pandit

For the Informant : Mr. K.N. Sahay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 29-01-2025 Heard counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel for the Informant.

2. Learned Additional Public Prosecutor has filed
counter affidavit.

3. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 313 of 2023 registered for the offence
punishable under Sections 302/201/120(B)/34 of the Indian
Penal Code.

4. Unknown criminals are said to have killed the
deceased.

5. The counsel for the petitioner has submitted that
diary may be called for as the petitioner has been falsely



implicated and the S.H.O. concerned has taken Rupees Five Lakhs bribe from the informant's side to falsely make the petitioner accused. The petitioner is in jail since 08.09.2023.

6. Learned counsel for the informant and the learned Additional Public Prosecutor appearing have vehemently opposed the prayer for bail.

7. Learned counsel for the informant has relied upon two orders of this Court i.e. orders passed in the case of Anjali Kumari (Cr. Misc. No. 9828 of 2024 dated 20.02.2024) and in the case of Gautam Yadav @ Gautam Kumar (Cr. Misc. No. 65545 of 2024 dated 11.09.2024) to submit that the materials against the petitioner have also been discussed in aforesaid two orders and therefore there is no need for calling for the case diary.

8. At this juncture, the counsel for the petitioner rose and said that he may be permitted to withdraw the application so that he may file a fresh application. This permission is denied.

9. This Court does not think it proper to allow the petitioner to withdraw the application when the arguments have been advanced and part order has been dictated.

10. Learned counsel for the informant further submits



that in the trial, out of 11 chargesheeted witnesses, 1 witness has been examined. He has also relied upon the judgment of the Hon'ble Supreme Court passed in the case of **X Vs. State of Rajasthan & Anr.** reported in **2024 SCC Online SC 3539**.

Paragraph No. 16 of the aforesaid judgment reads as follows:-

“16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.”

11. The petitioner and other co-accused have killed the deceased. The deceased was allured by Anjali Kumari girl friend of the petitioner Sanjeev Kumar. The petitioner had engaged the services of Gautam Yadav for killing the deceased.

12. Considering the fact that the petitioner is the main accused in the killing of the deceased and also the fact that the trial has started, this application is dismissed in view of the



judgment of the Hon’ble Supreme Court passed in the case of **X**
Vs. State of Rajasthan & Anr. (supra).

(Sandeep Kumar, J)

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