

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64793 of 2025

Arising Out of PS. Case No.-120 Year-2020 Thana- CHAUSA District- Madhepura

Santlal Singh, S/o Late Sohan Singh R/o Village- Khopariya, P.S.- Chousa,
District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the fourth attempt of the petitioner to obtain regular bail in connection with Sessions Case No. 235 of 2022 arising out of Chousa P.S. Case No. 120 of 2020 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act. As per the disclosure made in paragraph '3' of the application, there are 22 criminal antecedents of the petitioner and most of them are of the offences like murder, attempt to murder, extortion and abduction.

3. The prosecution case is based on the written report of one Suman Kumar Yadav who has narrated the entire occurrence. The brother of the informant was fired upon by the accused persons including the petitioner and while he was trying



to flee away, he was chased and done to death. One year ago also attempt was made to kill the deceased.

4. Learned counsel for the petitioner submits that the petitioner is in custody in connection with this case since 01.06.2020 but out of seven prosecution witnesses only three witnesses have been examined so far. Thus, as an under-trial, he has remained in custody for more than five years.

5. On the other hand, learned APP for the State submits that no doubt, the petitioner has remained in incarceration for a little more than five years but considering the kind of allegation against him, the seriousness of the offence together with the huge criminal antecedents of the petitioner in serious and heinous kind of offences, if he is released on bail, it will cause serious prejudice to the prosecution as the witnesses are likely to be threatened.

6. Having regard to the entire facts and circumstances of the case, seriousness of the allegation and the huge criminal antecedents of the petitioner in serious offences coupled with the fact that the trial has already commenced and three of the prosecution witnesses have already been examined, I am not inclined to grant bail to the petitioner on the ground of mere period of custody.



7. The report of the learned trial court shows that the court has issued non-bailable warrant against all the non-official prosecution witnesses. The Superintendent of Police, Madhepura is directed to ensure execution of the warrants and production of all the witnesses i.e. non-official witnesses as well as official witnesses on the date fixed in the matter. It will be his responsibility to ensure that the witnesses are to be produced on the date fixed in the matter.

8. The learned trial court shall proceed with the trial keeping in view the recent judgment of the Hon'ble Supreme Court in the case of **The Central Bureau of Investigation vs. Mir Usman @ Ara @ Mir Usma Ali** reported in **2025 SCC OnLine SC 2066** wherein it has been directed that the trial should proceed on day-to-day basis.

9. This application stands disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

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