

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5104 of 2026

Arising Out of PS. Case No.-211 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Dharmendra Kumar S/O Sidheshwar Chauhan @ Singheshwar Chouhan @
Singheshwar Prasad R/O Vill.- Lalu Bigha, P.s.- Bind, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Adv
For the Opposite Party/s : Mr.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 12-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the third attempt on behalf of the petitioner
for grant of bail in connection with Magadh Medical College
P.S.Case No. 211 of 2021 registered for the offence punishable
under Sections 302, 201/34 of the Indian Penal Code .

3. Earlier the bail application of the petitioner has
been rejected vide order dated 23.10.2024 passed in Cr. Misc.
No.75381 of 2024, which reads as under:-

*“This is the second attempt of the
petitioner for grant of bail. Earlier his
application was rejected vide order dated
23.08.2023 passed in Cr. Misc. No. 52086
of 2023.*



2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

The following order was passed on 23.08.2023:-

“Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Informant. Learned Additional Public Prosecutor for the State is also present.

The petitioner is in custody since 15.03.2023 in connection with Magadh Medical P.S. Case No. 211 of 2021 registered for the offence punishable under Sections 302/201/34 of the Indian Penal Code.

As per the F.I.R., the petitioner along with other co-accused persons had killed the deceased for some monetary dues.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to enmity. It is further submitted that there was no dispute with regard to money between the deceased and the petitioner. He submits that no incriminating article has been recovered from the possession of the petitioner and the allegations levelled against the petitioner are false and frivolous.

However, learned A.P.P. appearing on behalf of the State vehemently opposed the bail application and submits that during the investigation, it has come that the petitioner along with the other accused persons had killed the deceased and it is the petitioner who had given the fatal blow.

Considering the facts and circumstances of



the case and also the fact that there is specific allegation of assault against the petitioner, I am not inclined to enlarge the petitioner on bail. It is, accordingly, dismissed.

The trial court is directed to expedite the trial.”

3. It has been submitted by learned counsel for the petitioner that the charge has been framed on 21.12.2023 but no witness has been examined till date.

4. No new ground for review of the earlier order is made out. It is accordingly dismissed.

5. Learned counsel for the informant undertakes to produce witnesses regularly. If the prosecution does not produce the witness regularly and delays the trial, then the petitioner will have the liberty to renew his prayer for bail.

6. The Senior Superintendent of Police, Gaya is duty bound to produce the witnesses in the sessions trial.

7. Let a copy of the order be communicated to the Senior Superintendent of Police, Gaya through FAX/e-mail forthwith for compliance of the order.

4. Learned counsel for the petitioner submits that the charge has been framed. It is further submitted that out of 9 witnesses 7 witnesses have been examined.

5. Considering the gravity of the offence and the fact that the trial has started, I am not inclined to review my earlier order.



6. Accordingly, the application stands dismissed.

(Sandeep Kumar, J)

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