

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45892 of 2025

Arising Out of PS. Case No.-210 Year-2020 Thana- GAURICHAK District- Patna

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Dinesh Kumar Singh @ Dinesh Singh S/o Banaras Singh R/o Village-
Hathder (Hander), Sampatchak, P.S.- Sampatchak, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shashi Bhushan Singh S/o Late Mishri Singh R/o vill - Hander, P.S. -
Sampatchak, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For O.P. No. 2	:	Mr. Manendra Kr. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

9 10-04-2026 Heard learned counsel appearing for the petitioner,

learned counsel appearing for the State and learned counsel

appearing for Opposite Party No. 2.

2. The present application has been filed for
cancellation of bail granted to Opposite Party No. 2 vide order
dated 20.06.2025 passed in Criminal Miscellaneous No. 12653
of 2025 in Sessions Trial No. 13 of 2021 arising out of
Gaurichak P.S. Case No. 210 of 2020.

3. Learned counsel for the petitioner submits that the
present application for cancellation of bail is based on two
grounds. Firstly, it is contended that the delay in trial has not
been caused by the prosecution but is attributable to Opposite



Party No. 2 himself. Secondly, it is submitted that bail was granted to Opposite Party No. 2 by this Hon'ble Court on 20.06.2025 and, within two days thereof, the murder of an eye-witness was committed on 22.06.2025. Learned counsel further submits that the case diary has been called for and, upon perusal thereof, it appears that charge has already been framed. It is further submitted that materials have surfaced against Opposite Party No. 2 in the subsequent case and he has been chargesheeted therein.

4. Per contra, learned counsel for Opposite Party No. 2 submits that the grounds raised for cancellation of bail are not maintainable. It is contended that the delay in trial cannot be attributed to Opposite Party No. 2; rather, objections were raised as the prosecution sought to examine a non-charge-sheet witness, which led to litigation up to this Hon'ble Court. It is further submitted that although bail was granted on 20.06.2025 and the alleged occurrence took place on 22.06.2025, Opposite Party No. 2 had not been released by that time, as he furnished bail bonds only on 25.06.2025, as evident from Annexure-B to the counter affidavit. It is also submitted that Opposite Party No. 2 is still in custody in connection with another case. It is further submitted that in paragraph 11 of the application, reference has



been made to Sessions Trial Nos. 13 of 2021 and 647 of 2022. It is contended that the evidence of the deceased had been recorded in one trial, whereas in the other trial, the eye-witness was yet to be examined, and it is alleged that the murder was committed for this reason, in which Opposite Party No. 2 is said to have played a conspiratorial role. It is further submitted that such allegation is based on the initial statements of co-accused persons as reflected in the case diary. From Annexure-C to the counter affidavit, it transpires that the evidence of the deceased, namely Anjani Kumar Singh, has been recorded in both Sessions Trial Nos. 13 of 2021 and 647 of 2022, as both trials are being conducted together.

5. In response, learned counsel for the petitioner submits that there was an inadvertent mistake on the part of the counsel at the time of consideration of bail, inasmuch as the fact regarding the evidence of the said witness in the connected sessions trial was not properly brought to the notice of the Court.

6. After hearing the parties and upon consideration of the materials on record, this Court finds that both the grounds raised by the petitioner are not sustainable. It is evident that Opposite Party No. 2 was in custody at the time when the



alleged murder took place.

7. In view of the aforesaid facts and circumstances,
this Court is not inclined to entertain the present application.
Accordingly, the same is dismissed.

(Dr. Anshuman, J)

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