

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50274 of 2025

Arising Out of PS. Case No.-173 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Rohan Kumar S/o Kanhaiya Prasad R/o Muhalla- Kachouri Gali, Dira Par,
P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-02-2026 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 Chowk P.S.Case No. 173 of 2022 registered for the offence punishable under Sections 302,201/34 of the Indian Penal Code and 25 (1-b) a 26/35 Arms Act.

3. Earlier the bail application of the petitioner has been rejected vide order dated 26.10.2024 passed in Cr. Misc. No.55447 of 2024 which reads as under:-

*Heard learned counsel for the
petitioner and learned APP for the State.*

*2. The petitioner seeks bail in
connection with Chowk P.S.Case No. 173 of
2022 registered for the offence punishable*



under sections 302,201/34 of the Indian Penal Code and Section 25(1-b) a 26, 35 of Arms Act.

3. As per the prosecution case, the petitioner along with other accused persons demanded extortion money from the informant's son and after denial, shot him below his neck.

4. The petitioner is the assailant of the deceased. He is in custody since 21.04.2022.

5. Considering the fact that the petitioner is the assailant of the deceased, I am not inclined to grant bail to the petitioner and therefore, the present bail application is hereby rejected.

6. It has been submitted by Mr. Pramod Kumar, learned counsel for the petitioner that though charges has been framed about one and half years back but no witnesses is being examined in this case.

7. The prosecution cannot take the liberty of not examining the witnesses when the petitioner and other accused persons are in jail.

8. In these circumstances, the S.S.P., Patna is directed to see that the witnesses are produced in the Court on the date fixed if the charges have been framed. If the charges have not been framed then the learned trial court will frame the charges and thereafter, the S.S.P., Patna will take steps for producing the witnesses.

9. If the trial is delayed by the prosecution, the petitioner may renew his prayer for bail.

10. Let a copy of this order be communicated to the S.S.P., Patna and District Judge, Patna for its compliance



through FAX or e-mail forthwith.

*11. Mr. Jharkhandi Upadhyay, learned APP
for the State will communicate this order to
the S.S.P., Patna.*

4. learned counsel for the petitioner submits that the
trial has started and 14 witnesses have been examined.

5. Considering the fact that the trial is on the verge of
conclusion and 14 witnesses have been examined. The petitioner
does not deserve bail in view of the law laid down by the
Hon'ble Supreme Court in the case of *X Vs. State of Rajasthan
and Anr. Reported in 2024 SCC online SC 3539.*

6. Accordingly, the application stands dismissed.

(Sandeep Kumar, J)

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