

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57006 of 2025

Arising Out of PS. Case No.-262 Year-2023 Thana- SULTANGANJ District- Bhagalpur

Shanku Sah S/o Gaurishankar Sah @ Gauri Sah Vill.- Abjuganj, Ps-
Sultanganj, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv

For the Opposite Party/s : Mr.Pradeep Narain 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 second attempt on behalf of the petitioner for grant of bail in connection with Sultanganj P.S.Case No.262 of 2023 registered for the offence punishable under Section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

3. Earlier the bail application of the petitioner has been rejected vide order dated 18.12.2024 passed in Cr. Misc. No.80324 of 2024 which reads as under:-

*“ Heard the learned counsel
for the parties.*

*2. This is the 2nd attempt of the
petitioner. Earlier the bail application of
the petitioner was rejected vide order
dated 08.05.2024 passed in Cr. Misc. No.*



33492 of 2024.

3. *The petitioner seeks regular bail in a case registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.*

4. *The following order was passed on 08.05.2024 in Cr. Misc. No. 33492 of 2024:-*

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

2. *The petitioner seeks bail in connection with Sultanganj P.S. Case No. 262 of 2023 in Trial No. 950 of 2023 registered for the offence under Sections 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.*

3. *As per the prosecution case, the petitioner along with three other co-accused persons have hatched the plan to commit the loot.*

4. *As the petitioner was well known in the locality, it was decided that he will not participate in the loot and will wait for the other co-accused to commit loot and thereafter, he will give them shelter and the looted articles will be divided between all the accused persons and Shanku Sah, the petitioner.*

5. *Loot was committed by the accused persons and while committing the loot, the deceased was killed. The accused persons thereafter came to the house of Shanku Sah, kept the looted articles there and they left.*

6. *From the above, it is clear that the petitioner was involved in the crime from the beginning to end and he is in custody since 22.7.2023.*

7. *Considering the aforesaid facts, this*



Court is not inclined to grant bail to the petitioner.

8. Accordingly, this application is dismissed.

9. The Court below is directed to expedite the trial of the petitioner and conclude the same at the earliest.

5. The learned counsel for the petitioner has submitted that the petitioner has renewed the prayer of bail only on the ground that the trial is delayed. She has further submitted that one witness has been examined who has turned hostile and thereafter, on 17.12.2024 was a date fixed on which no witness appeared. She further says that the petitioner is in custody since 22.07.2023 and he deserves bail.

6. The learned APP for the State has vehemently opposed the prayer for bail. He has relied upon a recent judgment of Hon'ble Supreme Court in the case of X vs. State of Rajasthan, 2024 SCC OnLine SC 3539 and has submitted that once the trial has started, the petitioner in such a serious case cannot be granted bail.

7. I have considered the submissions of both the parties.

8. The criminals while committing loot have killed the deceased. The role of the present petitioner has been considered in detail in the order dated 08.05.2024 passed by this Court. So far as the submission of the learned counsel for the petitioner is concerned that the petitioner is in custody since long, the same cannot be considered once the trial has started and witnesses are being examined.

9. Accordingly, this application for regular bail is hereby rejected with a



direction to the Senior Superintendent of Police, Bhagalpur to ensure the appearance of the witnesses on the date fixed so that the right of speedy trial of the petitioner is not defeated.”

4. Learned counsel for the petitioner submits that the charge has been framed and charge sheet witnesses are being 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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