

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72100 of 2025

Arising Out of PS. Case No.-134 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Santosh Kumar S/o Kasturi Sharma Resident of Village - Bishunpura Bajar,
P.S - Sidhwaliya, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 09-01-2026 Heard Mr. Adesh Raj Singh, learned counsel for the

petitioner and Mr. Sanjay Kumar Pandey, learned APP for the

State.

2. The petitioner has prayed for bail in connection
with Sidhwalia P.S. Case No. 134 of 2021 registered for the
offence punishable under Sections 302, 341, 323 and 504/34 of
the Indian Penal Code.

3. Learned counsel for the petitioner has submitted
that earlier the bail petition of this petitioner was rejected by this
Court vide order dated 21.03.2025 with a liberty to renew his
prayer for bail after six months, if the trial is not concluded.

4. A report has been received from the learned trial
court which goes to show that only one witness has been
examined from the side of the prosecution but it is admitted



position that up till now, two witnesses have been examined.

5. Brief facts of the case are that on 11.04.2021, at about 07:00 PM, son of the informant namely, Kanta Prasad and one Raju Kumar saw that some persons were cutting the wheat crop in his field, then, Kanta Prasad arrived there and saw that the petitioner along with others have covered their face were cutting the wheat crop from the fields of informant, the informant namely, Kanta Prasad protested, this petitioner ordered to harvest the crop and if anybody will obstruct he will be removed. It is further alleged that all the persons have attacked on Kanta Prasad, knocked him down and the petitioner sat on his chest and all the accused persons started assaulting him by fists and slaps. It is further alleged that the petitioner caught his neck.

6. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that in this case, there is no weapon of assault and that there was land dispute between the parties and there is allegation against several persons of assaulting the witness and the deceased with slaps and fists. It has also been submitted that a statement has been made in para 3 of the petition that



petitioner has no criminal antecedent and he is languishing in judicial custody since 01.09.2024.

7. As against this, the learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for regular bail of the petitioner and has stated that from perusal of the post-mortem report, it will transpire that the force rib of the deceased was fractured and as far as the cause of death is concerned, it has been opined by the board that due to trauma on chest which leads to cardiopulmonary failure.

8. The learned counsel for the informant has further submitted that other accused persons who were having allegation of assaulting the deceased with slaps and fists, has already been granted bail. The petitioner is the main assailant and the post mortem report establishes his indulgence in the occurrence. The learned counsel for the petitioner has also submitted that the Hon'ble Supreme Court has held in a case in Special Leave Petition (Cr. No. 13378 of 2024), specifically in Paragraph No. '14' has observed as follows:

“14. Ordinarily in serious offences like rape, murder, dacoiti, etc, once the trial commences and the prosecution starts examining the witnesses, the Court be it the Trial Court or the High Court should loath



in entertaining the bail application of the accused.”

9. Having heard learned counsel for the parties and considering the facts and circumstances of the case, since petitioner is the main assailant and trial has commenced, this Court is not inclined to enlarge the petitioner on bail. However, the learned trial court is directed to conduct calendar trial of this case and to conclude the same within three months.

10. Before parting, it is made clear that a calendar trial means the dates are fixed in advance for the case, and information is given to all the parties regarding the fixed dates, and the I.O. is given direction to produce witnesses on each date one by one.

11. Accordingly, this bail application stands dismissed.

(Ashok Kumar Pandey, J)

Sudhanshu/-

U		T	
---	--	---	--

