

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47734 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- SARAI District- Vaishali

OM NATH RAI Son of Bhuneshwar Rai @ Bhuvneshwar Rai Resident of
Village - Rasulpur Karhari, P.S. - Bhagwanpur in the Distt. of Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
02.06.2022 in connection with Sarai P.S. Case No. 173 of 2022,
F.I.R. dated 01.06.2022 registered for the offence punishable
under Section 302 of the Indian Penal Code.

3. Allegation against the petitioner is that he cut the
throat to the husband of the informant by sharp knife because he
did not pay Rs.30,000/- to the petitioner instantly.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely
been implicated in the present case. The allegation as alleged in
the FIR is false and fabricated and the petitioner has not
committed any offence as alleged in the FIR. Further submits



that the petitioner has been implicated in the present case only on the basis of suspicion and due to previous money dispute between the deceased and the petitioner.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and it has come during investigation that the petitioner has cut the throat of the deceased by sharp knife because he did not pay Rs.30,000/- to the petitioner and there is direct and specific allegation against the petitioner which is supported by the medical evidence.

6. Considering the aforesaid facts, there is direct and specific allegation against the petitioner which is supported by the medical evidence, I am not inclined to enlarge the petitioner on bail in connection with Sarai P.S. Case No. 173 of 2022 pending in the court of learned Additional Chief Judicial Magistrate-XVI, Vaishali at Hajipur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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