

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39783 of 2024

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

Om Nath Rai @ Omnath Ray S/O Bhuneshwar Rai @ Vhuvneshwar Rai,
Resident Of Village- Rasulpur Karhari, P.S. - Bhagwanpur, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2024 Heard Mr. Shivjee Singh, the learned counsel for
the petitioner and Mr. Yogendra Kumar, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
02.06.2022, in connection with STR No. 510 of 2023, arising
out of Sarai P.S. Case No. 173 of 2022, FIR dated 01.06.2022,
registered for the offence punishable under Section 302 of the
Indian Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 47734 of 2023, which was
rejected vide order dated 12.09.2023.

4. According to the prosecution case, the petitioner
slit the throat of informant's husband with knife because he
could not pay Rs. 30,000/- (Rupees thirty thousand) instantly



and the informant's husband later died during treatment.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that due to petty dispute the present occurrence has taken place and although there is specific allegation against the petitioner that he has cut the throat of the deceased with knife.

6. Vide order dated 21.06.2024, a report was called for with regard to the stage of the trial and report dated 27.06.2024 of the learned trial Court reveals that charge has been framed against the petitioner on 06.01.2024 and summons were issued to non-official witnesses and direction has been given to prosecution to produce the witnesses, however, till date, prosecution has not produced any witness as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 02.06.2022, which is more than two years.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances,



the report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Vaishali at Hajipur, in connection with **Sarai P.S. Case No. 173 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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