

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1444 of 2024

Arising Out of PS. Case No.-61 Year-2019 Thana- GAURICHAK District- Patna

Om Prakash @ Om Prakash Singh @ Dahaur @ Dahaur Singh Son of Late
Devendra Kumar Singh @ Late Devendra Singh R/o vill - Rasulpur Baruna,
P.S - Gaurichak, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv
Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-02-2024 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 302, 201/34 of the Indian
Penal Code.

3. This is the third attempt of the petitioner for grant
of regular bail. Earlier the bail was rejected twice by this Court
vide order dated 28.10.2021 passed in Cr. Misc. No. 9301 of 2021
and vide order dated 05.04.2023 passed in Cr. Misc. No. 8491 of
2023, with a direction to the trial court to conclude the trial as
expeditiously as possible.

4. Vide order dated 12.01.2024, a report was called
for from the learned Court below regarding the stage of trial and



the time likely to be taken in conclusion of the trial. In compliance thereof, a report dated 19.01.2024 has been sent by the learned Additional District & Sessions Judge-III, Patna City, Patna, which is kept on record. In his report, the learned Judge has, *inter alia*, stated that there are total ten charge-sheet witnesses and out of those witnesses two witnesses have been examined and rest witnesses are yet to be examined. He also stated that the anticipated time to conclude the trial is three months.

5. Learned Senior Counsel for the petitioner submits that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 10.04.2019 about four years and eight months.

6. Learned APP for the State opposed the bail petition.

7. Considering the facts aforesaid and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Gaurichak P.S. Case



No. 61 of 2019 subject to the following conditions :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

anand/-

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

