

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15838 of 2025

Arising Out of PS. Case No.-391 Year-2022 Thana- SARAI District- Vaishali

Nitish Rai @ Nitish Kumar Son of Vijay Rai village- Mansoorpur, Ps- Sarai,
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 30-08-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner, who is in custody in connection with Sarai P.S. Case No. 391 of 2022, lodged on 03.12.2022, under Sections 363/365/34 of the Indian Penal Code.

3. Learned Counsel for the petitioner submits that earlier prayer for bail of the petitioner was rejected vide order dated 03.04.2024 passed in Cr. Misc. No.11745 of 2024 with liberty to the petitioner to renew his prayer for bail nine months after framing of the charge.



4. Learned Counsel for the petitioner submits that charge has been framed in this case on 06.05.2024, but witnesses have not been examined. He submits that petitioner is in custody since 03.11.2023 having no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner and submits that reason for rejection of bail has already been mentioned in the earlier rejection order. He submits that report has been called for.

6. From the report, it transpires that there are in total six witnesses to whom summons and bailable warrant of arrest has been issued, but execution report has not been submitted by the concerned police station.

7. This matter is relating to Vaishali District. Hence, the Superintendent of Police, Vaishali at Hajipur, is hereby directed to issue show-cause to the I.O./S.H.O. Sarai P.S. as to under what circumstance, in spite of the order of the Court, witnesses have not been produced. The Superintendent of Police, Vaishali at Hajipur shall ensure production of all witnesses in this case within six months.

8. In this background, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the



petitioner is hereby refused.

9. Registry is directed to communicate the Superintendent of Police, Vaishali at Hajipur, through Email/WhatsApp/Fax or any mode of communication forthwith and one copy of this order be also handed over to the Additional Public Prosecutor so that APP shall also follow up about the communication of this order.

(Dr. Anshuman, J)

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