

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40770 of 2025

Arising Out of PS. Case No.-98 Year-2019 Thana- BARARI District- Katihar

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Omkar Rai S/O Late Bharat Rai R/O -Kishanprasad, PS- Sahebganj, Distt-
Sahebganj(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-07-2025 Heard Mr. Sanjeev Kumar Singh, learned counsel for

the petitioner and Mr. Zainul Abedin, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.03.2025 in connection with Barari (Semapur) P.S. Case No.
98 of 2019, F.I.R. dated 24.03.2019 for the offences punishable
under Sections 302, 120(B) and 34 of the IPC and Section 27 of
the Arms Act.

3. According to prosecution case, the petitioner
and other accused persons surrounded the deceased (Pintu
Kumar Yadav) and fired upon him.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 03.03.2025 and the petitioner is not
named in the F.I.R. He further submits the name of the
petitioner has been transpired during investigation on the basis



that the petitioner has been involved in the present crime in question and on the basis of suspicion and from perusal of the F.I.R., it appears that the specific allegation of firing is attributed against the co-accused persons, namely, Basuki Thakur, Sanjay Thakur and Suman Kunwar. He further submits that except the aforesaid no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused persons, namely, Tuntun Pandey @ Ashok Pandey, Ramchandra Kunwar, Dablu Singh @ Bablu Singh and Sunil Kumar Mandar have been granted bail by a co-ordinate Bench of this Court vide orders dated 23.02.2023, 20.03.2023, 16.11.2021 and 25.03.2022 passed in Cr. Misc. Nos. 66816 of 2022, 65050 of 2022, 21821 of 2021 and 63098 of 2021 respectively and the police after investigation submitted a charge-sheet.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on



bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar in connection with Barari (Semapur) P.S. Case No. 98 of 2019, 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below 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)

Jyoti Kumari/-

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