

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 47703 of 2015**

Arising Out of PS.Case No. -349 Year- 2014 Thana -MARHOWRAH District- SARAN

- =====
1. Mantu Ojha @ Mantu Kumar Ojha Son of Shankar Bhagwan Ojha.
  2. Murari Kumar Singh @ Murari Kumar Son of Late Ramesh Kumar Singh.
  3. Manohar Kumar Singh @ Manohar Kumar Son of Late Ramesh Kumar Singh.
  4. Rishikant Ojha @ Kamla Kant Ojha Son of Late Shambhunath Ojha.
  5. Prem Kant Ojha Son of Late Shambhunath Ojha.

All resident of village Bhawalpur, P.S. Marhowrah, District- Saran.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

ORAL ORDER

2      04-11-2015

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend arrest in Marhowrah P.S. Case No. 349 of 2014 dated 22.10.2014 instituted under Sections 147/148/149/447/323/324/307/504/506/427 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioners and five others is of assaulting the informant and others.

Learned counsel for the petitioners submits that there is a case and counter case and in fact counter case is prior in time to the present case. It is submitted that against petitioners no. 1 and 5 and two other co-accused, the allegation is general and omnibus of assault by 'Lathi' whereas



against petitioners no. 2, 3 and 4 there is no specific overt act alleged. It is submitted that the informant himself is a criminal and even in the last PACS Election he was detained under the National Security Act. It is submitted that after committing the present incident they also indulged in three other offences for which separate cases had been lodged. It is submitted that in fact the injury on the petitioner no. 1 is serious of incised wound on the head whereas on the informant there is injury on the hand. Learned counsel submits that petitioners no. 1, 3, 4 and 5 have no criminal antecedent, whereas petitioner no. 2 has one case against him in which he is on bail. Learned counsel further submits that the incident was the result of the outcome of the local PACS Election and the informant side were the aggressors and wanted to settle the score for opposing the person who was the candidate of the informant.

Learned A.P.P. submits that there is allegation of assault against the petitioners. However, he is not in a position to controvert the fact that the same is general and omnibus regarding petitioners no. 1 and 5 along with two other co-accused, who are not before the Court and against 2, 3 and 4 there is no specific overt act alleged.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon

furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in Marhowrah P.S. Case No.349 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

**(Ahsanuddin Amanullah, J.)**

Anand Kr.

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|