

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24841 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -BIHIYA District- BHOJPUR

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Umesh Ojha Son of Sudama Ojha Resident of village - Karja, P.S. Bihiya,
District - Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Kumar Kaushik

For the Opposite Party/s : Mr. Md. Sufiyan (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-09-2015

Heard both sides.

The petitioner seeks bail in a case under Section 302 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant got information that his son Shailesh Rai and Munna Rai were shot at and they were taken to the hospital. The informant further got information that his son succumbed to injuries and Munna Rai was referred to the hospital for treatment. During the course of treatment, Munna Rai made his statement in P.M.C.H. He disclosed that both the motorcyclists opened firings and the firing made by Pramod Ojha hit just below his chest and Shailesh Rai, the Magic driver, succumbed to the injuries in the hospital itself. It is submitted that Munna Rai did not even disclose the name of the petitioner in his statement

made under Section 161 of the Code of Criminal Procedure.

Learned A.P.P. and learned counsel for the informant vehemently opposed the prayer for bail and submitted that Munna Rai disclosed that both the accused fired but the firing made by Pramod Ojha hit him just below his chest and also hit Shailesh Rai, the Magic driver. The petitioner is not the assailant either of of Shailesh Rai or Munna Rai.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged 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 Chief Judicial Magistrate, Arrah in Bihiya P.S. Case No. 32 of 2015.

(Prabhat Kumar Jha, J)

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