

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51117 of 2015

- =====
1. Chaukat Ojha @ Chokat Ojha, Son of Late Laxmi Ojha
 2. Naresh Ojha @ Naresh Kr Ojha @ Jhunnu Ojha
 3. Rajan Ojha
Both sons of Chaukat Ojha @ Chokat Ojha
 4. Manoj Jha
 5. Buchun Ojha @ Buchchun Ojha
Both sons of Late Kanti Ojha
- All residents of village – Basari Semra, P.S. Palnava, District – East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Pramod Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-11-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 384, 384, 386 and 504/34 of the Indian Penal Code.

The prosecution case is that the accused



persons captured the land of the informant but subsequently due to the intervention of the villagers the land was released. On 07.08.2015 when the informant was spreading fertilizer the accused persons came, abused the informant and on protest being made the accused persons claimed the land of the informant and gave life threatening. The accused persons also assaulted the informant when Naresh started spreading fertilizer in the field and Manoj Ojha snatched rupees three thousand from the pocket of the informant.

It is submitted by learned counsel for the petitioners that in the background of partition dispute the accused has been levelled as Partition Suit No. 745 of 2015 is pending between the parties. None received any injury and even assuming the accusation no offence under Section 384 or 386 IPC is made out.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of

the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Palanwa P.S. Case No. 81 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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