

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6074 of 2016

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

1. Shanker Bhagwan Ojha Son of Late Mahadeo Ojha
2. Sumit Kumar Ojha Son of Shanker Bhagwan Ojha
3. Suresh Prasad Singh Son of Jagarnath Singh
4. Anand Mohan Singh Son of Ashok Kumar Singh
5. Umakant Ojha Son of Late Shambhunath Ojha All resident of village -
Bhawalpur, P.S. Marhowrah, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioners : Mr. Sanjay Kumar Singh
For the State : Mr. H. A. Khan, APP
For the informant : Mr. Chandra Shekhar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 24-02-2016 Heard learned Counsel for the petitioners, the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Marhowrah Police Station Case No. 349 of 2014, disclosing offences under Sections 147, 148, 149, 447, 323, 324, 307, 504, 506 and 427 of the Indian Penal Code and Section 27 of the Arms Act.

At the outset, learned Counsel for the petitioners has drawn my attention to an order, dated 04.11.2015, passed in Criminal Misc. No. 47703 of 2015, to

submit that some of the co-accused persons have been granted privilege of anticipatory bail.

Learned Counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail of these petitioners on the ground that there was no specific allegation of assault against the petitioners of Criminal Misc. No. 47703 of 2015; whereas, that is not the case with the present petitioners.

It is not in dispute that the injuries have been found to be simple. Allegation against petitioner no. 1 is that he opened fire; there is no fire-arm injury, however. As against petitioner nos. 2 and 3, the allegation is of causing injuries by farsha. Such injuries have also been found to be simple.

Considering the above, this application is allowed.

Let the petitioners, namely, Shanker Bhagwan Ojha, Sumit Kumar Ojha, Suresh Prasad Singh, Anand Mohan Singh and Uma Kant Ojha, in the event of their arrest or surrender before the Court below within four weeks, be released on bail 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, Saran at Chapra, in connection with Marhowrah

Police Station Case No. 349 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present himself before the police/Court, as the same may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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