

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.862 of 2016

Arising Out of PS.Case No. -331 Year- 2014 Thana -BRAHMPUR District- BUXAR

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1. Rahul Ojha Son of Brij Bhan Ojha, resident of village- Nimez, P.S.-
Brahampur, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Opposite Party/s : Mr. A.M.P. Mehta (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 04-03-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out of
Brahampur P.S. case No. 331 of 2014, disclosing offences under
Sections 341,323,326,307,379,504/34 of the Indian Penal Code and
later on Section 302 of the Indian Penal Code has been added.

Learned counsel for the petitioner submits that as is evident
from the First Information Report itself, the informant is not the eye-
witness. He contends that the First Information Report was instituted
nearly two days after the date of occurrence for which there is no
plausible explanation. He contends that even the injury report does
not support the case of the prosecution against the petitioner. He also
submits that out of local rivalry, all the family members of the petitioner
have been implicated in this case.

From the order-sheet, I find that by an order dated

15.01.2016, this Court had granted interim protection of not taking any coercive steps till the petitioner cooperated with the investigation. There is nothing in the case diary that the petitioner did not cooperate in the investigation.

Considering the facts and circumstances of the case, this application is allowed. Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below, 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 Chief Judicial Magistrate, Buxar in Brahampur P.S. Case No. 331 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Chakradhari Sharan Singh, J)

ArunKumar/-

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