

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50801 of 2016

Arising Out of PS.Case No. -319 Year- 2016 Thana -ARA NAGAR District- BHOJPUR

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Birendra Kumar Ojha @ Bam Ojha Son of late Dinan Ojha, Resident of
Village- Krishna Nagar, P.S. Arrah Nawada, District Bhojpur,.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Arrah Town
P.S. case No.319 of 2016 registered under Sections 307, 325/34,
120(B) of the Indian Penal Code and Section 27 of the Arms Act,
pending before the court of Chief Judicial Magistrate, Bhojpur,
Arrah.

The prosecution case, in brief, is that the petitioner shot
at the informant causing injury in his right buttock.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The
petitioner has falsely been implicated in the present case. The



petitioner has been made accused due to previous enmity. There is no substantive evidence to suggest his implication in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and specific allegation has been alleged for causing fire arm injury upon the informant, which is evident from Annexure-2 to the present application.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail is rejected.

Anyhow if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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