

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12902 of 2017

Arising Out of PS.Case No. -19 Year- 2016 Thana -NARAINPUR District- BHOJPUR

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Harneshwar Ojha @ Badak Ojha, son of Ramchandra Ojha, resident of
village-Chashi, P.S.-Narayanpur, District-Ara, Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.16535 of 2017

Arising Out of PS.Case No. -19 Year- 2016 Thana -NARAINPUR District- BHOJPUR

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Murlidhar Ojha, son of late Ram Chandra Ojha, resident of village-Chasi,
P.S.-Narayanpur, District-Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.12902 of 2017)

For the Petitioner/s : Mr. Uday Prasad Singh

For the Opposite Party/s : Mr. Uday Chandra Prasad(App)

(In Cr.Misc. No.16535 of 2017)

For the Petitioner/s : Mr. Amarendra Kumar

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 25-04-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners are languishing in custody for the
offences punishable under Sections 302 and 201/34 of the Indian
Penal Code.

The informant claims to be an eye witness to the
occurrence. In her presence, petitioner Murlidhar Ojha and his son



caught to son of informant and petitioner Harneshwar Ojha @ Badak Ojha allegedly gave blow with Kudal (spade) causing injury at the head. Thereafter, others also assaulted as a result whereof Nirbhay died. The case diary would reveal that another eye witness has also supported the allegation.

Submission is that the deceased had gone to the said village to collect the grains a day before occurrence also. However, no occurrence took place with him, rather the petitioners asked him to come on the next day, on the pretext of Pooja in the house, along with mother and others and murder was committed which falsifies the prosecution allegation inasmuch as there was no need to commit murder in presence of the mother when the deceased was available alone on 26.06.2016.

Learned counsel for the informant opposed the prayer for bail.

The postmortem report would reveal that head injury was cause of death. At this stage, the statement of the eye witnesses cannot be doubted.

Hence, considering the seriousness of allegation against the petitioner Harneshwar OJha @ Badak Ojha, I am not inclined to enlarge him on bail. Hence, prayer for bail of petitioner Harneshwar OJha @ Badak Ojha in connection with Narayanpur



P.S. Case No.19 of 2016 pending in the court of learned C.J.M.,
Ara, Bhojpur is refused.

Petitioner Murlidhar Ojha, who is in judicial custody since 17.08.2016, is directed to 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 learned Additional Chief Judicial Magistrate-13th, Bhojpur, Ara/Successor Court, in connection with Narayanpur P.S. Case No.19 of 2016, with condition that he shall fully cooperate with the investigation and trial of the case, failing which the Court below shall be at liberty to take steps for cancellation of his bail bonds in this case.

The learned trial court is directed to expedite the trial.

(Birendra Kumar, J)

Arvind/-

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