

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44069 of 2016

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

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1. Brijbhan Ojha Son of Late Rama Shankar Ojha
2. Bishnu Swarup Ojha @ Mohit Ojha S/o Late Brijraj Ojha Both Resident
of Village-Nimej, 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. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-01-2017 Learned counsel for the petitioners submits that the application as against petitioner No. 2 has become infructuous in view of the fact that he has surrendered in the Court below.

It is thus dismissed as infructuous.

The case shall now proceed only against petitioner No. 1.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner No. 1 apprehends his arrest in connection with a case registered for the offences punishable under Sections 341/323/326/307/379/504/34 of the Indian Penal Code. Subsequently, Section 302 of the Indian Penal Code was also added.

Learned counsel for the petitioner submits that the only allegation against petitioner No. 1 is that he had snatched the licensee gun of the deceased. There is no allegation of assault as



against the petitioner. Furthermore, the person who is alleged to have assaulted the deceased namely, Rahul Ojha, has been granted the privilege of anticipatory bail by this Court vide order dated 04.03.2016 passed in Cr. Misc. No. 862 of 2016.

Considering the aforementioned fact and circumstances, let the petitioner abovenamed, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds 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 connection with Brahampur P.S. Case No. 331/2014 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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