

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1079 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -KHARAGPUR District- MUNGER

- =====
1. Banarash Ojha @ Nageshwar Nath Ojha, Son of Late Yogi Ojha.
 2. Bishwanath Ojha, Son of Late Yogi Ojha.
 3. Lalteshwar Ojha @ Laliteshwar Ojha, Son of Bishwanath Ojha.
- All resident of Village- Lohrar, P.S. Haveli Kharagpur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kharagpur P.S. Case No.62 of 2017 registered under Sections 447, 341, 323, 325, 337, 308, 504 and 379/34 of the Indian Penal Code.

The accusation is that these petitioners alongwith Manju Devi started to abuse to the informant Shobha Devi. When the informant made protest then the petitioner no.1 Banarash Ojha assaulted the informant through Khanti causing fracture injury at her left leg. On hulla of the informant, when Sumanlata Kumari, the daughter of the informant, rushed to save the informant then



she was assaulted by the petitioner no.2 Bishwanath Ojha through bricks causing injury at her teeth. At that time, Sonu Kumar and Madan Ojha, the son and brother-in-law of the informant respectively, were also assaulted by them.

Learned counsel for the petitioners submits that the informant and the petitioners are agnates and there is land dispute in between them but very fairly submitted that the injury as caused by the petitioner no.1 Banarash Ojha alias Nageshwar Nath Ojha on the left leg of the informant is fracture, as detailed in the impugned order, whereby the prayer of the petitioners for grant of anticipatory bail was rejected, whereas the injuries of the other injured, as caused by the petitioner nos.2 and 3 to them, are simple in nature.

Having considered the facts and the circumstances of the case, let the petitioner nos. 2 and 3, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Munger, in connection with Kharagpur P.S. Case No.62 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.



So far as the petitioner no.1, above named, is concerned, considering the nature of allegation against the petitioner no.1, above named, I am not inclined to grant anticipatory bail to the petitioner no.1, above named. Accordingly, the prayer of the petitioner no.1, above named, for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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