

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7625 of 2020

Arising Out of PS. Case No.-98 Year-2018 Thana- SRINAGAR District- West Champaran

1. SHAMBHUNATH OJHA @ SHAMBHU OJHA S/o Late Shiv Shankar Ojha R/o village- Brahman Toli Pujahan, P.S.- Shrinagar Pujahan, District- West Champaran
2. Nand Kishore Ojha @ Kishore Ojha S/o Late Shiv Shankar Ojha R/o village- Brahman Toli Pujahan, P.S.- Shrinagar Pujahan, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-03-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Shrinagar Pujahan P.S. Case No. 98 of 2018 registered under Sections 341, 323, 324, 307, 354, 379, 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation alleged in the F.I.R. against these petitioners is that they have assaulted to Vijay Mishra but it is specifically submitted that Vijay Mishra received no injury and he was never examined by any doctor and further that there is no allegation that these petitioners were armed with any weapon and above all



the parties have entered into a settlement as they are close neighbours and further submits that petitioners have no any criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein the allegations against these petitioners are that of assaulting the victim Vijay Mishra but it is the specific submission of learned counsel for the petitioners that said Vijay Mishra received no injury and he was never examined by any doctor and further that there is no allegation that these petitioners were armed with any weapon and aboveall the parties have entered into a settlement as they are close neighbours and in order to buy piece they have settled their dispute in terms of Annexure '3' to the present application, the submission have remain uncontroverted by learned A.P.P. for the State, let in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bettiah, District – West Champaran, in connection



with Shrinagar Pujahan P.S. Case No. 98 of 2018, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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