

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23491 of 2020**

Arising Out of PS. Case No.-93 Year-2020 Thana- SHEOHAR District- Sheohar

VINODH OJHA @ VINOD JHA S/o Late Ram Naresh Ojha Resident of
Village-Fatmachak, P.S.-Sheohar, District-Sheohar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate

For the Opposite Party/s : Mr.Chandrasen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 06-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Chandrasen Prasad Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Sheohar P.S. Case No. 93 of 2020 registered for the offences punishable under Sections 307/323/324 and 341/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that both the parties seem to have a quarrel when this petitioner was allegedly digging bamboo and cement pillar on the road. The allegation is that the petitioner had abused the informant and assaulted him on his head by Khanti causing injury thereon. Learned counsel points out that in fact this petitioner has lodged a case prior in time giving rise



to Sheohar P.S. Case No. 92 of 2020 against the informant and in his case a specific allegation of assault has been made against the accused persons. According to him the petitioner's side including his son Santosh Ojha were assaulted by the accused persons including the informant Pankaj Sahni. In this connection learned counsel has pointed out the injury report of the present petitioner as contained in Annexure '4' series to submit that the medical examination report has found a cut wound injury on the head and the dimension and nature of the injury is scalp dip caused by a sharp substance.

It is submitted that the injury caused on the head of the informant has been found simple in nature. It is, thus, submitted that it is not one of those cases in which the informant alone has been assaulted on vital part of body, here the informant is allegedly involved in assaulting the petitioner on his head.

Although learned APP for the State has opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case where the petitioner has shown that his case is prior in time and he was also allegedly assaulted on his head and injury has been noticed in Annexure '4', the injury of the informant on the same part being simple in nature, taking note of the counter case and the injuries of both the parties, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar, in connection with Sheohar P.S. Case No. 93 of 2020, subject to the conditions 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.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

