

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23823 of 2021

Arising Out of PS Case No.-314 Year-2020 Thana- SIMRI District- Buxar

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Ravi Ranjan Ojha, aged about 25 years, Male Son of Siyaram Ojha (wrongly mentioned as son of Santosh Ojha as in accused column) in F.I.R. Resident of Village-Badka Sinhanpura, PS-Simri, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate
For the State : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 07.07.2021, which was allowed.

3. Heard Mr. Anil Kumar Roy, learned counsel for the petitioner and Mr. Rajeev Nayan, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The petitioner apprehends arrest in connection with Simri PS Case No. 314 of 2020 dated 12.10.2020, instituted under Sections 341, 323, 324, 357, 338, 307, 504 and 506/34 of the Indian Penal Code.



5. The allegation against the petitioner and others is of assault on the informant and another person. However, specifically against the petitioner is of assault by sword on the head causing injury.

6. Learned counsel for the petitioner submitted that the parties are agnates and there is land dispute between them. It was submitted that on the said date, there was fight between both the sides for which there is also a counter case from the side of the petitioner. Learned counsel submitted that though in the FIR, there is specific allegation of assault by sword on the head, but in the injury report, only lacerated wound has been found on the head and there is no evidence of any sharp cut weapon being used. It was submitted that the injured was referred for NCCT of brain and X-ray of right elbow and right leg and upon the same, no fracture or damage to the skull has been found and also no fracture has been found. Thus, it was submitted that the allegation of assault by sword on head stands falsified. Learned counsel submitted that two persons are said to have been injured from the side of the informant whereas in the case lodged from the side of the petitioner, about 5-6 persons have been injured and on them also similar types of injuries have been found. It was submitted that on the spur of the moment something happened, but the allegation



has been blown out of proportion and is incorrect. Learned counsel submitted that the petitioner has no criminal antecedent.

7. Learned APP submitted that the allegation against the petitioner is of assault by sword on the head. However, he could not controvert that the injury report discloses that there is no damage to the skull after NCCT of brain and that only lacerated wound has been found on the head.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Simri PS Case No. 314 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses.



Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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