

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2162 of 2020

Arising Out of PS. Case No.-244 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

1. Swayam Prakash Ojha @ Shyam Prakash Ojha Son of Late Ram Bahadur Ojha, Resident of Village - Aroua, P.O.- Dularpur, P.S.- Udawantnagar, Distt.- Bhojpur.
2. Om Prakash Ojha Son of Late Ram Bahadur Ojha, Resident of Village - Aroua, P.O.- Dularpur, P.S.- Udawantnagar, Distt.- Bhojpur.
3. Shashi Kant Ojha Son of Swayam Prakash Ojha, Resident of Village - Aroua, P.O.- Dularpur, P.S.- Udawantnagar, Distt.- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ganesh Prasad Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 06-01-2021 Heard learned counsel for the appellants and learned counsel for the State.

In this appeal, the appellants are seeking regular bail in connection with Udawantnagar P.S. Case No. 244 of 2020 registered for offence punishable under sections 302/34 I.P.C., 27 Arms Act and section 3(i)(r)/3(2)(r) SC/ST Act.

There is land dispute between the parties as the informant side resisted the appellants for cultivation of land that led to struggle to occupy the land that generated the present case and another case.

In this case, allegation has been made that accused persons came to the place of incident and on the direction of Rajnish Jha, Kamlesh Jha has fired from rifle and killed the victim.



Learned counsel for the appellants submits that there is no attribution to any active participation of the appellants in the commission of the crime and the police has submitted the report with regard to the land dispute as the appellants side were not allowed to cultivate the land by the informant and his family members. The appellants are in jail since 12.07.2020.

Looking to the facts and circumstance of the case, the appellants are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Bhojpur in connection with Udwantnagar P.S. Case No. 244 of 2020, subject to the condition that one of the bailors of the appellants shall be a close relative. The appellants will not induce any witness or tamper with the evidence. The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court.

This order has been passed in presence of Mr. Sadanand Paswan, counsel for the State.

(Shivaji Pandey, J)

Mahesh/-

U		T	
---	--	---	--

