

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36784 of 2020**

Arising Out of PS. Case No.-330 Year-2020 Thana- BAGHA District- West Champaran

PAWAN OJHA @ ABHISHEK OJHA SON OF AJIT OJHA RESIDENT OF
VILLAGE- DHUMNAGAR, MATIYARIYA, PS- SHIKARPUR, DISTRICT-
WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

4 12-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bagaha P.S. Case No. 330/2020 registered for
the offences punishable under Sections 394 and 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in short is that on 13.06.2020
one Suraj Kumar gave his fardbeyan alleging therein that he
works at a wholesale medicine shop which is owned by one
Vikash Prasad. On 12.06.2020, he boarded on a pickup van



which was loaded with medicine for delivery and proceeded for Bagaha. It is further alleged that when he was returning with collected cash of Rs.8-10 lacs and a blank cheque, the driver suddenly stopped the pick up van near petrol pump, in the meantime four criminals boarded on a motorcycle surrounded him and snatched his bag and fled away.

Learned counsel for the petitioner submits that this petitioner is not named in the FIR, his name has later on transpired in the confessional statement of the co-accused. The petitioner has not been identified by any one and no incriminating article has been recovered from his possession.

Learned counsel further submits that in course of investigation police has arrested the driver of the vehicle, but the said driver has not involved this petitioner. It is further submitted that the petitioner is in custody since 17.06.2020.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that the petitioner has got criminal antecedents as has come in paragraph '26' and '34' of the case diary. In paragraph '26' three cases are against the petitioner whereas in paragraph '34' two other cases are mentioned. It is, thus, submitted that the criminal antecedent of the petitioner has been concealed in paragraph '3'



of the present application.

Having regard to the facts and circumstances of the case, at this stage the Court has been informed that there is a concealment of criminal antecedent in paragraph '3', this Court is not inclined to entertain this application. The petitioner may file a fresh application giving the complete criminal antecedent of the petitioner.

Let a show cause notice be issued to the deponent namely Ajit Ojha, son of Rameshwar Nath Ojha, resident of village-Dhumnagar Matiyariya, P.S.-Shikarpur, District-West Champaran calling upon him to show cause as to why an appropriate proceeding be not initiated against him for swearing a false affidavit. Let the show cause be filed within four weeks.

The matter will be listed for purpose of consideration of the show cause on 9th August, 2021.

(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'.

