

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.689 of 2021**

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

Kamlesh Ojha @ Kamlesh Kumar Ojha Son of Late Abhimanyu Ojha  
Resident of Village - Araura, P.S.- Udwant Nagar, District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                                                              |
|----------------------|---|--------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Krishan Prasad Singh, Sr. Adv.<br>Mr. Rakesh Singh, Adv. |
| For the Respondent/s | : | APP                                                          |
| For the informant    | : | Mr. Surendra Singh, Adv.                                     |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY  
ORAL ORDER**

3      05-07-2021                      Heard learned Senior Counsel for the appellant, learned A.P.P. for the State and learned counsel for the informant through video conferencing.

The appellant has filed the instant application for grant of regular in connection with Udwantnagar P.S. Case No. 244 of 2020 registered under sections 302 and 34 of the Indian Penal Code, section 27 of the Arms Act and section 3(1)(r) and 3(2)(v) of the SC & ST (Prevention of Atrocities) Act.

As per allegation in the F.I.R., the appellant herein is stated to have fired hitting Guddu Ram leading to his death.

It is submitted by learned Senior Counsel appearing for the appellant that the allegations and the manner of occurrence as alleged in the F.I.R. are false and incorrect. There



is case and counter case between the parties, the correct version having been narrated in the counter case. It is further submitted that it was as a result of scuffle between the parties that in the accidental firing, led to the death of the deceased. The appellant is in custody since 11.7.2020.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the appellant being the sole and main assailant of the deceased, the Court is not inclined to to enlarge the appellant on bail and the appeal is rejected.

**(Partha Sarthy, J)**

Bibhash

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

