

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22058 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- DUMRAO District- Buxar

=====

DHANANJAY OJHA @ DHANANJAY KUMAR OJHA S/o Ramji Ojha
Resident of Village- Bypass Road, Dumraon, Police Station- Dumraon in the
district- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Ms.Rina Sinha

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 386, 307, 504, 120B and other
allied sections of the Indian Penal Code and section 27 of the Arms
Act.

As per allegation, on the alleged date and time of the
occurrence, informant was constructing wall then accused persons
including the petitioner came and started breaking the wall, during
that course co-accused Rajan Tiwari said that without fulfilling
extortion demand boundary wall could not be constructed. Thereafter
the informant protested then co-accused Rajan Tiwari started



indiscriminate firing as a result of which one co-villager of the informant, namely, Arvind Kumar sustained firearm injury who came to rescue the informant and thereafter co-accused Munna Upadhyay instigated co-accused Rajan Tiwari and the present petitioner and co-accused Pankaj Tiwari also fired and fled away on a motorcycle.

The main submissions advanced by Sunil Kumar, the learned counsel appearing for the petitioner are that there is no specific allegation against the petitioner and the main allegation of indiscriminate firing is against co-accused Rajan Tiwari. Though the petitioner is named in the FIR with specific role including firing but injury has not been mentioned in the FIR and he is simply alleged to be present at the place of occurrence along with co-accused persons and allegation of firing by this petitioner made by the informant is not specific and no one sustained in the said firing. Further submission is that one co-accused, namely, Santosh Chaubey has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 66977 of 2021 and two co-accused namely, Raghubir Singh and Ram Babu Singh who are named in the FIR have been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 68676 of 2021 and Cr. Misc. no. 68673 of 2021 and the allegation made against the petitioner in the FIR is almost same nature like said co-accused persons. Further submission is that there are two criminal antecedent against him in which he is on bail.



Learned APP has opposed the prayer for bail.

Heard both sides and perused the FIR. The main allegation of firing by which one person Arvind Kumar sustained firearm injury is against co-accused Rajan Tiwari, though petitioner is alleged to have fired during course of occurrence but said allegation is not specific and on account of said firing no one sustained any injury as reflected from FIR and the allegation made against the petitioner in the FIR is general and omnibus and almost like co-accused persons who are on bail.

Considering these facts, petitioner deserves lenient approach of this court. Accordingly, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar in Dumraon P.S Case No. 370 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Buxar Industrial P.S Case No. 57 of 2017 and Buxar Mahila P.S. Case no. 41 of 2000 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

s.hassan/-

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

