

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23372 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- BIHIA District- Bhojpur

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1. MANOKAMNA OJHA @ MANKAMNA OJHA Son of Late Dev Kumar Ojha Resident of village - Navadih, P.S.- Bihiya, District - Bhojpur at Ara
 2. Sonu Kumar Ojha Son of Mankamna Ojha Resident of village - Navadih, P.S.- Bihiya, District - Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-10-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission
to withdraw the anticipatory bail application with respect to
petitioner no.2.

Permission is accorded.

The petitioner apprehend his arrest in a case registered
for the offences punishable under Sections 341, 323, 324, 307,
504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner next submits that
petitioner is a person with clean antecedent and it is alleged that
he had assaulted the informant by knife on head causing injury,



it is also alleged that since informant was under treatment hence he filed the FIR after some delay.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, he is a senior citizen aged about 65 years and all of a sudden he has been made a criminal, it is next submitted that the date of occurrence is 30.07.2021 and the FIR came to be instituted on 10.08.2021, it is also submitted that had the occurrence taken place in the manner it is alleged and the informant was under treatment then definitely the hospital would have informed the police, but from perusal of the FIR it appears that the fardbyan was not recorded in the hospital rather the FIR came to be instituted based on an application submitted by the informant which creates doubt with regard to the veracity of allegations.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the



learned trial court where the case is pending/successor court in connection with Bihia P.S. Case No. 309 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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