

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30682 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- AMNAUR District- Saran

Chanchan Ojha @ Chanchal Ojha Son of Late Raghunath Ojha Resident of
Mura, P.O.- Tarwar, P.S. - Amnaur, Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Archana Sinha, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Informant/s	:	Mr. Anant Kumar Bhasker, Advocate
	:	Mr. Sanjay kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-10-2022 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
learned APP for the State.

Petitioner seeks regular bail in connection with
Amnaur P.S. Case No.11 of 2022 registered for the offences
punishable under Sections 323, 307, 506, 504 and 379 of the
Indian Penal Code.

As per the allegation, the informant in his fardbeyan
has alleged that while he was on way to his cement shop the
petitioner stopped the informant and assaulted him on his head
with the intention of killing him and due to the said blow the



informant fell unconscious. Further it is alleged that when the informant came back to his senses he found that a cash of Rs. 2 lacs was missing from his possession.

The main submissions advanced by the learned counsel Mrs. Archana Sinha appearing for the petitioner are that the petitioner has been languishing in jail since 19.04.2022 having clean antecedent, in fact the informant sustained head injury due to an accident occurred due to his falling from his scooty and at the time of alleged occurrence there was some dispute in respect of money transaction between the informant and the petitioner which led to the commission of the alleged occurrence of *marpit* and the allegation of taking Rs. 2 lacs by the petitioner from the possession of the informant at the time of alleged occurrence is completely false and the same has been confirmed by the investigating officer. Further submission is that the investigation has been completed against the petitioner and no fatal weapon was used in the alleged act of assault.

Learned APP Mr. Akhileshwar Dayal appearing for the State as well as learned counsel Mr. Anant Kr. Bhaskar appearing for the informant has vehemently opposed the bail prayer and submitted that the petitioner assaulted at the vital part of the body of the informant, owing to that assault the



informant had to remain admit at the hospital for some days and the injury sustained by him has been opined by the doctor concerned to be grievous in nature.

Heard both the sides and perused the FIR and case diary of the case. From perusal of the case diary, it appears that at the time of alleged occurrence there was some dispute with regard to payment of money in between the petitioner and the informant, though the petitioner allegedly assaulted at the vital part of the body of the informant when he was sitting on his scooty vehicle but there is no allegation of repeated blow by the petitioner on the informant and only one blow by hard blunt object is said to have been caused by the petitioner on the informant, the investigation has been completed and the petitioner bears a clean antecedent and as per the injury report of the informant a wooden plank was used by the petitioner in assaulting the informant, considering all these facts and mainly taking into account the petitioner's clean antecedent and the stage of his case, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in connection with Amnaur



P.S. Case No.11 of 2022 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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