

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3703 of 2021

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

RAJNEESH OJHA Son of Swayam Prakash Ojha Resident of Village -
Aroua, P.O. - Dularpur, P.S.- Udawantnagar, District - Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharm Shila Kunwar Wife of Late Guddu Ram Resident of village- Aeroura,
P.O.- Dularpur, P.S- Udwant nagar, Dist- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ganesh Prasad Singh
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 09-11-2022 Heard learned counsel for the appellant, learned
Special P.P. for the State and learned counsel appearing on
behalf of respondent no. 2.

The present appeal has been filed against order dated 11.06.2021 passed by learned 1st Addl. Sessions Judge, Bhojpur at Ara in Udwantnagar P.S. Case No. 244 of 2020 registered for the offence punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)/3(2)(r) of the Scheduled Castes and the Scheduled Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellant was rejected.

The prosecution case in short is that on 11.07.2020,



while the informant alongwith his family members were planting paddy crops in the field, this appellant alongwith other co-accused persons came there and on the exhortation of this appellant, co-accused Kamlesh Ojha shot dead Guddu Ram (deceased).

Learned counsel for the appellant submits that specific accusation of firing is against co-accused Kamlesh Ojha. So far as this appellant is concerned, he is only alleged to be order-giver. There is no allegation of any overt act against this appellant. F.I.R. does not show any offence under the SC/ST Act, as there is no allegation of abuse by caste name. Learned counsel for the appellant further submits that co-accused Bhanu Pratap Singh and Bijendar Pratap Singh have already been granted bail by a coordinate Bench of this Court, vide order dated 03.01.2022 passed in Cr.Appeal (SJ) No. 168/2021 and order dated 23.06.2022 passed in Cr.Appeal (SJ) No. 587/2021 respectively.

The appeal is vehemently opposed by learned Special P.P. as well as learned counsel for the respondent no. 2.

Considering the aforesaid facts and circumstances, the impugned order dated 11.06.2021, so far as this appellant is concerned, is, hereby, set aside and appeal is allowed.



Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No. 244 of 2020.

(Prabhat Kumar Singh, J)

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