

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57783 of 2021

Arising Out of PS. Case No.-211 Year-2021 Thana- SIMRI District- Buxar

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1. RAJESH KUMAR @ GOLA OJHA @ RAJESH KUMAR OJHA Son of Tarkeshwar Ojha R/o Village - Kharhatand, P.S. - Simri, District - Buxar.
 2. RAKESH OJHA @ BHOLA OJHA Son of Tarkeshwar Ojha R/o Village - Kharhatand, P.S. - Simri, District - Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

During pendency of this application, petitioner no.
2 (Rakesh Ojha @ Bhola Ojha) has been arrested, as per
submission of the petitioners' counsel.

Application, in so far as petitioner no. 2 is
concerned, is dismissed as infructuous.

This Court would expect that the petitioner's
counsel would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner no. 1 is apprehending his arrest in



connection with Simri P.S. Case No. 211 of 2021 registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

In respect of prayer for anticipatory bail made on behalf of petitioner no. 1, the petitioners' counsel submits that as per allegation, the petitioner was armed with a sharp weapon and has assaulted the informant on occipital region causing sharp injury. The injury report (Annexure 2), however, shows simple injury on occipital region that is caused by hard and blunt object. He submits that in the background of *mukhia* elections, scuffle ensued between the parties. The manner, in which the allegation has been levelled keeping in view the injury report renders the prosecution case doubtful. The petitioner also has no criminal antecedents and is apprehending his arrest in the instant case in which, he has been implicated on the local political considerations.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for anticipatory bail is allowed.

Accordingly, let the petitioner no. 1, Rajesh Kumar @Gola Ojha, in the event of his arrest or surrender before the court below within a period of four weeks from today, be



released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Buxar in Simri P.S. Case No. 211 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioner will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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