

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64165 of 2021**

Arising Out of PS. Case No.-129 Year-2021 Thana- GOPALPUR District- Gopalganj

GAUTAM OJHA Son of Ghanshyam Ojha Resident of Village - Lachhpur,
P.S. - Gopalpur, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 06-05-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 01.07.2021, seeks
regular bail in connection with Gopalpur P.S. Case No. 129 of
2021 registered for offences punishable under Sections 341,
323, 304, 307, 504, 506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Prosecution story in brief is that informant, who is the
eye witness has made allegation against accused Ghanshyam
Ojha, Purushotam Ojha and the present petitioner Gautam Ojha
to have assaulted his brother by means of knife causing grievous
injury and making fire shot from the pistol. Specific allegation



against the petitioner is that he had smashed and pushed the victim on the ground and in continuation other co-accused assaulted the victim by means of sword and knife.

Learned counsel appearing on behalf of the petitioner submits that allegation against the petitioner is that he had thrashed the victim and no allegation of any assault has been made against the present petitioner. Petitioner has clean antecedent and he is in custody since 01.07.2021. Matter relates to family dispute and the incidence took place between both the parties due to land dispute in which the petitioner had also sustained injury and petitioner's side has also filed case in connection with the said incidence. Petitioner, therefore, deserves to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the aforesaid facts, having perused the allegation made in the F.I.R. and the specific statement made by the petitioner's counsel that only allegation against the petitioner is that he had thrashed the victim on the ground and thereafter, the other accused persons named in the F.I.R. had assaulted the victim, who is the brother of the informant by means of knife and other weapons. Prima facie petitioner has



made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gopalganj in connection with Gopalpur P.S. Case No. 129 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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