

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20711 of 2023

Arising Out of PS. Case No.-420 Year-2020 Thana- BIHIA District- Bhojpur

1. MUKESH KUMAR OJHA @ MUKESH OJHA Son of Shri Ramanuj Ojha R/V- Doghra, PS- Bihiya Dist- Bhojpur
2. Subhash Chandra Ojha @ Subhash Ojha Son of Shri Nityanand Ojha R/V- Doghra, PS- Bihiya Dist- Bhojpur
3. Rahul Ojha @ Shashikant Ojha Son of Shri Nityanand Ojha R/V- Doghra, PS- Bihiya Dist- Bhojpur
4. Bholu Ojha @ Bipin Kumar Ojha Son of Sri Nand Kumar Ojha R/V- Doghra, PS- Bihiya Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 323, 307, 427 and 504 of the Indian Penal Code.

The learned counsel for the petitioners submits that petitioners are persons with clean antecedent. It is next submitted that on account of dispute relating to land the present case came to be instituted by way of a counterblast to Bihiya P.S. Case No. 418 of 2020 instituted by Sanjit Kumar Ojha from



the side of the petitioners. It is next submitted that from bare perusal of the allegation as alleged in the FIR it would manifest that the allegations are in two parts, initially the informant alleges that all the fourteen named accused persons came and assaulted him who were variously armed, thereafter alleges that Mukesh and Subhash assaulted him with Iron Rod and Knife causing injury on head and on other part of the body.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that initially the informant alleges that he was assaulted by all the fourteen named accused persons but in order to make the allegations grave, alleged that he was specifically assaulted by Mukesh and Subhash but then from perusal of the allegation it does not appear who assaulted on his head. It is next submitted that the allegation of assault against Rahul is general and omnibus in nature and Golu (petitioner No. 4) is not alleged with any specific allegation of assault.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bihiya P.S. Case No. 420 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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