

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3723 of 2021**

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

AKHILESH OJHA @ AKHILESH KUMAR OJHA @ AKHILESH KR.
OJHA Son of Late Abhimanyu Ojha Resident of Village - Araura, P.S.-
Udwant Nagar, District - Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmshila Kunwar Wife of Late Guddu Ram Resident of village- Edaura,
P.S.- Udwantnagar, Dist- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar , Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

- 5 26-07-2023 1. Despite of notice issued, nobody appeared on
behalf of reposondent No 2.
2. Heard learned counsel for the appellants, the State.
3. The present appeal is directed against the order
dated 11.06.2021, passed in a case registered for the offence
punishable under Sections 302, 34 of the Indian Penal
Code read with Sections 3 (i) (r) , 3 (2) (v) of the SC/ST (PO
A) Act, and 27 of Arms Act, whereby
anticipatory bail of the appellants has been rejected.
4. It is alleged that the informant and her family
members including her husband were transplanting paddy in the
field, meanwhile all the 18 F.I.R named accused persons



including this appellant came and started assaulting them. On the instigation of co-accused Rajnish Ojha, Kamlesh Ojha fired upon the deceased and killed him.

5. It is submitted that from perusal of the F.I.R it is apparent that on the direction of co-accused Rajnish Ojha, co-accused Kamlesh Ojha shot fire upon him and killed the deceased. Police has submitted final form against the appellant in this case. No specific overt act is alleged against this appellant. Similarly situated co-accused persons have already granted bail by this Court vide order dated 06.01.2021 in Cr. Misc. No. 2162 of 2020. Appellant claims clean antecedent.

6. Learned counsel for the state opposed the prayer for bail.

7. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 11.06.2021 is set aside.

8. Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-Ist, Bhojpur at Ara in SC.St Case No. 173 of 2020 arising out of Udwant Nagar P.S. Case. No. 244 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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