

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38249 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- BRAHMPUR District- Buxar

Shashi Ojha @ Bablu @ Shashi Bhushan Ojha Son of Ranjit Ojha Resident of
village - Karja, P.s - Bihiya, Distt. - Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-07-2023 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Brahampur P.S. Case No. 244 of 2023, registered on 06.05.2023 for the offences under Section 307 of the Indian Penal Code and Section 25(a)/27 of the Arms Act.

3. As per prosecution case, petitioner fired upon the son of the informant and the shot hit in the shoulder of the son of the informant. The occurrence took place in the background of some property dispute.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place.



Learned senior counsel further submits that in the restatement of the informant he stated that he did not know who fired upon his son and he took the name of the petitioner at the instance of other persons. It has also come during investigation that even the injured said that he was not knowing the name of the persons who fired upon him. Learned senior counsel further submits that firing took place in a *tilak* ceremony and one stray bullet hit the son of the informant in joy firing. Even the injury report is suspect. Both the sides have compromised the matter. Petitioner is a government servant and there is no criminal antecedent of the petitioner.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the subsequent events regarding informant resiling from his statement and victim not naming the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/ court concerned in connection with Brahampur P.S. Case No. 244 of 2023, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

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(Arun Kumar Jha, J)

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