

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45211 of 2023

Arising Out of PS. Case No.-757 Year-2022 Thana- MUFFASIL District- West Champaran

AMRIT OJHA @ KUMAR AMRIT RAJ SON OF LADDU OJHA @ SUNIL
KUMAR OJHA RESIDENT OF VILLAGE- HANUMANT NAGAR, PS-
BETTIAH KALIBAG OP, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-09-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner, who is in custody since 10.04.2023 seeks bail, in connection with Bettiah Muffasil P.S. Case No.757/2022, dated 02.09.2022, for the offences punishable under Sections 363 IPC and later on Sections 302, 201, 379 and 411 of the IPC were added.

3. According to prosecution case, some unknown miscreants have committed murder of the husband of the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired on the basis of confessional statement of co-accused namely Ashish Raj and Gufran Ali and till date no T.I.P has been conducted by the prosecution. He further submits that nothing has been recovered from conscious possession of the petitioner rather the looted car has been recovered from the possession of co-accused namely Gufran Ali, who has been granted bail by a co-ordinate Bench of this Court vide order dated 02.08.2023 passed in Cr. Misc. No.4196/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.04.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has actively participated in the crime in question and it has come during investigation that the petitioner has caught hold the leg of the deceased and other co-accused has committed murder of the deceased.

6. Considering the aforesaid facts and the fact that the



co-accused has been granted bail by the co-ordinate Bench of this Court and the petitioner has clean antecedent and he is in custody since 10.04.2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No.757/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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