

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47449 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- BARIYARPUR District- Munger

CHANDAN OJHA SON OF AWADH OJHA @ AWADH BIHARI OJHA
R/O-PIPRA, P.S.-BARIYAPUR, DISTT.-MUNGER (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra Ojha, Adv

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Bariyarpur P.S. Case No.173 of 2022, registered for the offence
punishable under Sections 365, 387 and other allied Sections of
the Indian Penal Code.

3. The prosecution story in short is that while the husband
of the informant was returning home, all of a sudden 8 to 10
persons including the petitioner pulled her husband from tempo
and thrashed him with fist, abused him and made him seat in
their car and took him away. When the informant call her
husband's mobile number, co-accused Mannoo Yadav was
spoke to her and told her that her husband had took money from
him and he will leave him only if the money is returned back to



him.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. He submits that the police recovered the victim on the same day of the incident. He further submits that the informant and main accused Mannoo Yadav have compromised. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail by submitting that the victim has supported the prosecution case in his statement recorded u/s 164 of Cr.PC.

6. Having regard to the facts and circumstances of the case as well as the statement of victim recorded u/s 164 of Cr.PC, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek



for regular bail, the learned Court below shall pass the order on the same day in accordance with law, considering that the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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