

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62137 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- BADHAILA District- Rohtas

RAJNIKANT OJHA Son of Shankar Dayal Ojha Resident of Village -
Bishunpur, P.S.- Baghaila, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 24-03-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Baghaila P.S. Case No. 31 of 2022, registered for the offences punishable under Sections 341, 323, 325, 504, 506, 34 of the Indian Penal Code and later on Section 302 of the IPC was added.

The allegation against the petitioner is that he along with three other accused persons assaulted on right thigh of the informant, who died after four days of the occurrence.

Learned counsel for the petitioner has submitted that FIR shows itself that there is no allegation on the accused persons of assaulting on vital part of the deceased. Post-mortem report shows that the right thigh of the deceased was found swollen. It has also been mentioned in the postmortem report that cause of death could



not be ascertained.

Learned counsel has submitted further that the deceased was an old person and he might have died due to some ailments. He has also submitted that section 302 of the IPC is not attracted against the petitioner. He is under custody since 19.05.2022.

Considering the above-mentioned facts and circumstances as well as the period of detention, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-cum-S.J.-IV, Sasaram (Rohtas) in connection with Baghaila P.S. Case No. 31 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

SONALI/Sudha

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