

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74159 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- BIHIA District- Bhojpur

SANTOSH OJHA @ SANTOSH KUMAR OJHA SON OF LATE RAJ
KUMAR OJHA RESIDENT OF VILLAGE- KARJA, POLICE STATION-
BIHIYA, DISTRICT- BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-11-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Bihiya (Bahoranpur O.P.) Police Station Case No.
103 of 2023, disclosing offences under Sections 147, 148, 149,
341, 323, 504, 307, 354B, 379 of the Indian Penal Code.

3. As per the First Information Report lodged on
28.04.2023, the petitioner, along with other accused persons,
eight in numbers, have abused and assaulted the informant and
his family members. The petitioner and Binod Ojha fired from
the pistol and also disrobed the informant. Chandan Ojha and
Bhim Ojha arrived to save her who were assaulted by the
accused persons by *lathi, danda* etc.

4. Learned Counsel for the petitioner submits that



both the parties are agnate and the present occurrence has taken place due to dispute between them on flimsy grounds. He next submits that a counter case is lodged by the petitioner against the informant and others for an occurrence which has taken place on the same date and time bearing Bihiya P.S. Case No. 102 of 2023 in which the petitioner has sustained grievous injury as would be evident from *Annexure 2* to this application. He next submits that co-accused Binod Ojha, having similar allegations, has been granted bail by the learned Sessions Judge by the same impugned order, dated 02.09.2023. He next submits that injury caused to the victims are simple in nature, as would be evident from *Annexure 3 Series* i.e., injury report. It is also submitted that the petitioner does not have any criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are related, there is a counter case, Chandan Ojha and Bhim Ojha sustained minor injuries, nobody sustained fire arm injury and the petitioner is having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, Santosh Ojha @ Santosh Kumar,



in the event of his arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate 5th, Bhojpur at Ara, in connection with Bihiya (Bahoranpur O.P.) Police Station Case No. 103 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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