

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10904 of 2024

Arising Out of PS. Case No.-345 Year-2023 Thana- KESARIA District- East Champaran

Sanjeev Ojha @ Sanjeev Jha S/O- Late Kishun Ojha R/O- Village-
Lalachhapra, P.S.- Kesariya, Dist.- East Champaran. (motihari)

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Adv. Mr. Rabindra Kumar, Adv.
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Mr. Ashutosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2024 Heard learned senior counsel for the petitioner,

learned A.P.P. for the State and learned counsel for the

informant.

2. The petitioner seeks regular bail in connection with

Kesariya P.S. Case No. 345 of 2023, lodged on 09.07.2023

under Sections 341, 323, 316, 354(B), 379, 504, 506, 34 of the

Indian Penal Code read with section 8 of the POCSO Act.

3. As per the prosecution case, FIR has been lodged

against three named accused persons including the present

petitioner. In the FIR, the allegation has been made that the

occurrence has took place on three different dates viz,

15.06.2023, 18.06.2023 and 23.06.2023. Specific allegation

against the present petitioner is that he has assaulted the



informant due to which she became injured.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the injury report has been annexed as Annexure-P/2 and from the said injury report, it becomes crystal clear that the said injury was simple in nature. Counsel further submits that two other accused persons have filed anticipatory bail before this Court and the Co-ordinate Bench of this Court *vide* order dated 18.03.2024 passed in Cr. Misc. No.13779 of 2024 has pleased to grant bail to one of the accused due to the reason that another was arrested.

5. Learned senior counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him in which after investigation, the final form has been submitted. The petitioner is in custody since 24.12.2023 in the present case. Counsel further submits that on the previous occasion, case diary along with injury report has been called for and in the case diary, it has come that there is no dispute between the informant's side and the petitioner's side and the actual dispute was going on between the informant and her own relative for land and being the co-villager, the petitioner reached their and tried to resolve



the issue, but to teach him a lesson the case has been lodged against the petitioner.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that the petitioner and other accused persons are *bahubali* of the area and they have created such a pathetic situation for the informant and others. Counsel submits that the case has been lodged initially on 02.07.2023 which was recorded as S.D.E No. 59 of 2023 and subsequently, the said S.D.E. was converted into FIR recorded on 09.07.2023 and forwarded to the 7th Additional Sessions Judge-cum-Special Judge on 10.07.2023. Counsel also submits that the allegation made in the FIR is absolutely correct and bail of the petitioner may be rejected.

8. Upon perusal of the case diary, it has come that the dispute was going on between the informant's family with her relative for land dispute and the petitioner and others were interfered in the dispute for not to continue the same and resolve it and it is due to this reason, the present case has been lodged. From the injury report, it transpires that the injury is simple in nature.



9. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran, in connection with Kesariya P.S. Case No. 345 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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