

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16748 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- AWTARNAGAR District- Saran

Pranaw Kumar Ojha @ Pranaw Kumar S/o Nageshwar Ojha R/o vill -
Kothiya, P.S. - Avtar Nagar, Distt. - Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Avatar Nagar P.S. Case No. 269 of 2023 lodged on 09.09.2023 for the offences punishable under Section 447, 323, 324, 325, 307, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution story, FIR has been lodged against three named accused persons including the petitioner. It has been alleged in the FIR that the petitioner has assaulted Amarjeet Ojha by iron rod on his head due to which bleeding started.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that both the informant and petitioner are resident



of the same village and they are relatives and dispute occurred between them only due to land. Counsel further submits that for the same date and place of occurrence, there is a case and counter case filed. One case has been lodged from the informant's side bearing Avatar Nagar P.S. Case No. 269 of 2023 and from the petitioner's side bearing Avatar Nagar P.S. Case No. 268 of 2023 was lodged.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is clean. Counsel further submits that the petitioner is not a criminal since scuffling took place between both the sides due to land dispute and this resulted into injuries to both the sides. Counsel also submits that the petitioner is a student of University of Delhi (annexed as Annexure-3 of the bail application) and ready to fulfill all the conditions whatsoever shall be imposed upon him. Counsel submits that at worst, the allegation postulates offence under sections 324, 325 and not 307 of the IPC.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the counter case, it transpires that the said Amarjeet Ojha has also assaulted the petitioner.

7. Learned counsel for the informant vehemently



opposes the prayer for bail of the petitioner and submits that in the FIR, there is a specific allegation against the present petitioner that he has assaulted Amarjeet Ojha and the assault was sufficient to kill him.

8. As such, considering the aforesaid facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran, Chapra, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J.)

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