

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42343 of 2024

Arising Out of PS. Case No.-40 Year-2020 Thana- MURAR District- Buxar

Kamlesh Ojha S/O Late Shiv Parsan Ojha, Resident Of Village - Ojha Baraon,
P.S.- Murar, Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arun Kumar Gupta, Advocate
For the Opposite Party : Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Arun Kumar Gupta, the learned counsel
for the petitioner and Mr. Bhanu Pratap, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Murar PS Case No. 40 of 2020, FIR dated
19.05.2020, registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 379, 308, 504 and 506 of the
Indian Penal Code.

3. According to the prosecution case, due to petty
dispute, the co-accused persons assaulted to the uncle of the
informant and they also took Rs. 45,000/- (Rupees forty-five
thousand) and food items.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, in fact, the petitioner has been given the benefit of Section 41(A) of the Cr.P.C. on 08.10.2020. He further submits that vide order dated 04.02.2023, cognizance has been taken against the petitioner for the offences punishable under Section 147, 149, 341, 323, 308, 504 and 506 of the Indian Penal Code. He lastly submits that one co-accused person namely, Nitesh Kumar Ojha, against whom there is similar nature of allegation, has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 81184 of 2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is no specific allegation of any assault or overt act attributed against him, the allegation levelled against the petitioner and



other co-accused persons is general and omnibus in nature and a similarly situated co-accused person has been granted the privilege of anticipatory bail, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, where the case is pending in connection with **Murar PS Case No. 40 of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial



Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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