

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58115 of 2022

Arising Out of PS. Case No.-4 Year-2000 Thana- KANTI District- Muzaffarpur

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Birendra Ojha S/O Ram Ashray Ojha R/O Village- Sonbarsa, P.S- Kanti,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, A.P.P

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

8 04-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Kanti P.S Case No. 04/2000 dated 12.01.2000

registered for the offences punishable under Sections 302/34 of

the Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution case, the petitioner and the

co-accused persons came holding *nal katuwa* and started

abusing Rama Pandey. Thereafter, the co-accused Ranwar



Pandey exhorted to kill and the co-accused persons Sushil Mandal and Ravindra Mandal caught hold of him and in the meantime, the petitioner fired on the temple of Rama Pandey leading to his death.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Nothing has been recovered from the possession of the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that there is specific allegation of firing against the petitioner as per the material available on record which gets support from the inquest report and the P.M report of the deceased.

7. Considering the aforesaid facts and circumstances of the case as well as the heinous nature and specific allegation of firing against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below will consider the prayer of the bail of the petitioner in



accordance with law without being prejudice by this order.

(Chandra Prakash Singh, J)

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