

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67243 of 2024**

Arising Out of PS. Case No.-320 Year-2023 Thana- SIMRI District- Buxar

Sanjay Kumar Ojha @ Munna Ojha S/o- Late Shardhanand Ojha Village-
Badka Singhnpur PS- Simri District- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.Surendra Kumar, APP

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

ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with S.Tr. No. 53/2024 arising out of Simri P.S. Case No. 320/2023 dated 14.04.2023 registered for the offences punishable u/ss 302 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have assaulted the informant's father on his head with a spade (*kudal*) and also inflicted injuries on other parts of his body leading to the father's death.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner and the deceased are own agnates and there is a property dispute between the parties. Nothing has been recovered from the conscious possession of the petitioner. The



petitioner has three criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 15.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the specific allegation against the petitioner is of assaulting the informant's father with a spade (kudal) and inflicting injuries on other parts of his body. These injuries are said to have resulted in the father's death. As per the post-mortem report of the deceased, the cause of death is due to cardio-pulmonary failure due to shock and haemorrhage and the injuries caused by hard and blunt substance. Learned counsel has further submitted that one prosecution witness namely, Chandan Kumar Choudhary has been examined as P.W.-1 who has supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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