

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79282 of 2024

Arising Out of PS. Case No.-215 Year-2024 Thana- KARAKAT District- Rohtas

1. Lal Mohar Ojha Son of Late Nihora Ojha Resident of Village- Sobeyan, P.S. -Karakat, District -Rohtas
2. Ram Pravesh Ojha Son of Late Nihora Ojha Resident of Village- Sobeyan, P.S. -Karakat, District -Rohtas
3. Ramesh Sah Son of Late Dasai Sah Resident of Village- Sobeyan, P.S. -Karakat, District -Rohtas
4. Bikesh Kumar Ojha Son of Lal Mohar Ojha Resident of Village- Sobeyan, P.S. -Karakat, District -Rohtas
5. Shiv Shankar Ojha Son of Lal Mohar Ojha Resident of Village- Sobeyan, P.S. -Karakat, District -Rohtas
6. Ankit Kumar Ojha @ Ankit Ojha Son of Sanjay Ojha Resident of Village- Sobeyan, P.S. -Karakat, District -Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari
For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the

petitioners, learned counsel for the informant

and learned APP for the State.

2. The instant application for
anticipatory bail has been filed by the
petitioners apprehending their arrest in a case
instituted for the offence punishable under
Sections 147, 148, 149, 341, 323, 385, 387,



379, 506, 504 of the Indian Penal Code.

3. Prosecution case in nutshell is that when the informant went to harvest the crops to his land, which was purchased by his father through registered sale deed in the year 1977, in the meantime, petitioners along with other 10-12 unknown persons, variously armed, came there and started looting and carrying the wheat from his field. When the informant raised protest petitioner Lal Mohar Ojha and Ankit Kumar Ojha tried to kill him by means of country made pistol and petitioner Ankit Kumar Ojha snatched Rs. 1,500/- (fifteen hundred rupees) from his pocket. It is further alleged that petitioners have not returned the looted wheat to the informant.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. There is inordinate delay of 13 days in lodging the F.I.R. There is land dispute



between the parties for which Title Suit NO. 1046 of 2013 is going on.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Karakat P.S. Case No. 215 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas, subject to the conditions as laid down under section 438(2) of the Cr.P.C, with following conditions:-



(i) One of the bailors should be close relative of the petitioners.

(ii) Petitioners shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioners tamper with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioners repeat offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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