

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81184 of 2023

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

Nitesh Kumar Ojha S/O Sri Binod Ojha Village- Ojha Baraon, Ps. Murar,
Dist. Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Anand Kumar Ojha, learned counsel for
the petitioner and Mr. Ramchandra Sahni, learned Additional
Public Prosecutor for the State.

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

3. According to prosecution case, due to some village politics this petitioner along with other accused persons have assaulted the uncle of the informant by means of lathi and farsa due to which he received injuries and also took Rs. 45,000/- from the injured person and then they all fled away.

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



implicated in the present case. He further submits that due to the admitted land disputes between the parties the present occurrence has been taken place. He further submits that Title Suit No. 221 of 2011 is pending between the parties and the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence has been taken place. He further submits that the injury report of the injured persons suggests that there is swelling on the right shoulder and the opinion is reserved. He further submits that there is case and counter case between the parties.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 in connection with Murar P.S. Case No. 40 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



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

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 court below 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 court below 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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