

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.865 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- AWTARNAGAR District- Saran

Nageshwar Ojha @ Nagendra Ojha, S/o Late Baldev Ojha, Resident of
Village Kothiya, P.S-Avtar Nagar, District-Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bindhyachal Singh, Sr. Advocate Mr.Rajesh Roy, Advocate
For the Opposite Party/s :	Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned Sr. counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Avtarnagar P.S. Case No.269/2023 lodged on 09.09.2023 under
Section 447, 323, 324, 325, 307, 504, 506 and 34 of the Indian
Penal Code.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons including the
present petitioner against whom there is an allegation of
making *a farsa* blow by which the injury has been caused at the
hand of the informant.

4. Learned Sr. Counsel for the petitioner submits that
the petitioner is innocent and has committed no offence. In fact,
the petitioner and the informant both are agnates and there are



land disputes between them which itself apparent from the FIR. Learned counsel for the petitioner further submits that for the same date and place of occurrence, there are two criminal cases lodged. One criminal case has been lodged by the informant side bearing Avtarnagar P.S. Case No. 269/2023 and another case has been lodged by the petitioner's side bearing Avtarnagar P.S. Case No. 268 /2023. The petitioner is not a criminal rather at the spur of the moment due to a land dispute, the scuffling took place, and vide Annexure-3 of the petition, the injury report has been annexed by which it is clear that all the injuries have been found simple in nature. The petitioner is in custody since 26.10.2023 having no criminal antecedent.

5. Learned counsel for the State vehemently opposes the prayer for bail and submits that in the FIR, there is a direct allegation of assault on the neck with a view to kill by *farsa*, therefore, the bail application ought to be rejected.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran, Chappra, connection with Avtarnagar P.S. Case No.



269/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

