

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.521 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Manish Jaiswal, male, aged about 30 years son of Pramod Prasad Jaiswal @ Pramod Prasad, Resident of Mohalla- Nandgola, Police Station- Malsalami District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Ansul, with Mr. Pramod Kumar Advocates
For the State : Mr. Sanjay Kumar Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 31-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in Chowk PS Case No. 118 of 2020, corresponding to G.R.No. 965 of 2020, instituted for the offence under Sections 302, 387, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Explosive Substance Act, which due to apparent typographical error has been typed as Additional Judicial Magistrate- IV, Patna city.

The informant's husband has been shot while he was in



the shop. There is allegation that six persons have come on motorcycles and opened fire upon the victim as a sequel to the earlier demand for *Rangdari* made by the petitioner from the informant's husband.

The learned counsel for the petitioner submits that the demand for '*Rangdari*' has been alleged by the informant against co-accused, namely, Sagar Yadav and Jaikky. The further submission is that the petitioner is not named in the First Information Report. At a later stage, the informant has claimed herself to be a witness to the occurrence. She has stated about the petitioner presence there with others. Specific firearm injury resulted into death of the informant's husband is attributed against co-accused, namely Niraj Choudhary. Similarly situated co-accused, namely, Ravi Kumar has been granted bail in Cr. Misc. No. 5037 of 2021. The petitioner is in custody since 16.07.2020. In so far as the antecedent, it is submitted that he was arrested in Malsalami P.S. Case No. 430 of 2018 thereafter he was remanded in two more cases.

The learned APP representing the State has opposed the prayer for bail. It is submitted that it appears that the petitioner is a member of Gang which has committed the offence. He, however, does not dispute the submission based on paragraph no. 3 of the case diary regarding firing being attributed against co-accused Niraj Choudhary.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 Additional Chief Judicial Magistrate- IV, Patna city, in connection with Chowk P.S. Case no. 118 of 2020, corresponding to G.R. No. 965 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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