

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11839 of 2021**

Arising Out of PS. Case No.-434 Year-2020 Thana- PATNA CITY CHOWK District- Patna

BAL MANOHAR JALAN Son of Late Hiralal Jalan Resident of Village -
Quila House, Patna City, P.S.- Chawk, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Vinay Mistry, Adv.
For the Informant	:	Mr. Arving Prasad Singh, Adv.
For the Victim	:	Mr. P.N. Shahi, Sr. Adv. Mr. Madhukar Anand, Adv.
For the State	:	Mr. Shailendra Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 28-07-2022 Heard Mr. Ramakant Sharma, learned senior counsel for the petitioner as well as Mr. P.N. Shahi, learned senior counsel for the victim assisted by Mr. Shailendra Kumar, learned APP for the State.

The petitioner apprehends his arrest in connection with Patna City Chowk P.S. Case No. 434 of 2020, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 447, 448, 307, 379, 504, 506, 120-B of the Indian Penal Code and under Section 27 of the Arms Act.

Rajiv Kumar is the informant. As per allegation, the accused persons named in the FIR along with 40-50 criminals came to the land occupied by Ravi Jalan and attempted to possess that land. On protest by Rajiv Kumar @ Bujji who is caretaker of Ravi Jalan, co-accused Giriraj Manohar Jalan opened fire and made Rajiv



Kumar @ Bujji injured. Rajiv Kumar @ Bujji suffered firearm injury in his chest. The allegation against the present petitioner is that he is order giver and on his order, co-accused Giriraj Manohar Jalan opened fire.

Learned counsel for the petitioner has submitted that during investigation the CCTV footage was inspected and it was found that Giriraj Manohar Jalan was present at the spot and he was seen firing at Rajiv Kumar but the present petitioner was not found in the CCTV footage which shows his false implication in this case. Learned counsel has also submitted that all the four cases mentioned in paragraph-3 of the bail petition have been lodged either by the informant or his family members. By filing counter affidavit it was mentioned that there are so many civil and criminal cases are pending between both the parties who are agnates. Learned counsel for the petitioner has also submitted that the petitioner is 72 years old.

On the other hand, the learned counsel for the informant as well as learned Addl.P.P. opposed the prayer for bail and submitted that it was the petitioner on whose order accused Giriraj Manohar Jalan opened fire and made Rajiv Kumar badly injured.

From perusal of order dated 16.01.2021 of learned Additional Sessions Judge-II, Patna City, it appears that after perusal of the case diary he recorded that the present petitioner was not seen in the CCTV footage whereas main assailant Giriraj Manohar Jalan was seen.



Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, IVth, Patna City in connection with Chowk P.S. Case No. 434 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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