

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46974 of 2021

Arising Out of PS. Case No.-112 Year-2021 Thana- RUPASPUR District- Patna

Manoj Chandravanshi @ Manoj Kumar @ Manoj Kumar Chandravanshi, Son
of Late Vijay Kumar, Resident of Village- Sherpur, P.S.- Maner, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Shashank Chandra, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner is apprehending his arrest in connection
with Rupaspur P.S. Case No. 112 of 2021 for the offences
punishable under Sections 341, 342, 364(A), 504, 506/34 of the
Indian Penal Code.

As per prosecution case, it is alleged that the
informant, who happens to be the Director of Arnav
Constructions Pvt. Ltd. went to the house of one Subhash Yadav
where co-accused Vikash was present and due to some



altercation with Vikash, Vikash called one Pinku Yadav and thereafter it is alleged that both of them along with other persons forcibly took the informant at their house. It is further alleged that thereafter Pinku Yadav sent his men to bring his father with cheque book, but his father came along with cheque book, which was belonging to his wife. Then again on the dictate of Pinku Yadav, the petitioner went to the office of the informant and brought his cheque book from his office staff. It is also alleged that the petitioner along with others also abused and assaulted the informant and his old father.

At the outset, learned counsel for the petitioner submits at the bar, on instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner had worked with the informant as his driver and, as such, he was asked by the informant himself to go to his office and to get his cheque book, as the office staff of the informant were knowing the petitioner from before and he had merely obeyed the order of the informant, but later on, only on suspicion the name of the petitioner has been implicated in this case. It is further



submitted that except the allegation of bringing the cheque book from the office of the informant, there is no specific allegation against the petitioner. Moreover, the specific allegation has been levelled against co-accused Vikash Kumar and Pinku Yadav, out of whom Vikash Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 59144 of 2021 vide order dated 17.05.2022. A copy of which has been produced before this Court and the same has been taken on record. It is also submitted that though the alleged occurrence is said to have taken place on 03.03.2021, but the F.I.R. has been instituted on 04.03.2021, but surprisingly, the same has been sent to the learned court after inordinate delay of four days i.e. on 08.03.2021. It is lastly submitted that the petitioner has got clean antecedent and he is ready to abide by the terms and conditions, as would be imposed by this Court.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation levelled against this petitioner, apart from the fact of inordinate delay of four days in sending the F.I.R. to the court, inasmuch as



the petitioner is having clean antecedent and there is no allegation of tampering with the evidence and intimidating the witnesses, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur in connection with Rupaspur P.S. Case No. 112 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors shall be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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