

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48334 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Ritik Jaiswal @ Ritik Kumar son of Manoj Kumar Jaiswal Village- Hasanpur Surat Ps- Patori Dist- Samastipur
2. Raunak Kumar son of Manoj Kumar Jaiswal Village- Hasanpur Surat Ps- Patori Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen, Adv.

For the Opposite Party/s : Mr.Rina Sinha, APP.

Mr. Bijay Bhushan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 427, 337, 353, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, all the accused persons including these petitioners are said to have created disturbance in proceeding of D.P. when the informant along with his relatives, Court Nazir, Magistrate and police force came at the land in question for delivery of possession, as the D.P. order was passed in favour of the informant. Having common intention, all the accused persons hurled bombs and stones upon the informant side and



also opened fire upon them.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is land dispute between the parties. The father of the petitioners is already in judicial custody. He further submits that two cases have been filed against the petitioners for the same occurrence, one by the concerned Nazir and other by the informant. Petitioner no.1 has three criminal antecedents, whereas petitioner no.2 has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that these petitioners are the main assailants in the present case, hence, they do not deserve anticipatory bail. Learned counsel for the informant further fairly supports the fact that two cases have been filed against the petitioners for the same occurrence, one by the concerned Nazir and other by the informant.

6. Having regard to the facts and circumstances of the



case, as father of the petitioners is already in judicial custody, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Patori P.S. Case No. 159 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, if petitioners create hindrance in proceeding of D.P. again, the informant would be at liberty to file an application before the learned Court below to cancel the bail bond of the petitioners.

(Anjani Kumar Sharan, J)

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