

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55302 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

MANOJ JAISWAL @ MANOJ KUMAR JAISWAL S/O LATE RAJENDRA
CHOUDHARY R/O VILLAGE- HASANPUR SURAT, PS. PATORI, DIST.
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advovate Mr.Kumar Praveen, Adv.
For the Opposite Party/s	:	Mr.Nand Kishore Prasad, APP
For the informant	:	Mr. Uma Shankar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard Mr. N.K. Agarwal, learned senior counsel for the

petitioner and learned counsel for the informant as well as

learned A.P.P. for the State.

The petitioner seeks bail in connection with Patori P.S.

Case No. 158 of 2023 registered for the offence under Sections

147, 149, 188, 353, 504, 506, 307 and 34 of the Indian Penal

Code.

As per the prosecution case, the petitioner and the co-

accuse persons are alleged to have made hindrance in

discharging the official duty in course of execution by the order of

the Court in favour of the informant. Further it is alleged that one

of the person have opened fire upon the prosecution party.

Learned senior counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the entire occurrence is based on the execution of the order of the Court which was passed of deliver of possession in favour of the informant. He further submits that it is alleged in the F.I.R. that the petitioner and others have created hindrance in the compliance of the order of the executing Court. He further submits that there is general and omnibus allegation against the petitioner and no specific case of any overt act is made out against him. He further submits that as a matter of fact, there was multiplicity of legal proceedings between the petitioner and the informant in the garb of land dispute and on account thereof this petitioner has been implicated in this case. He further submits that the petitioner has also filed an F.I.R. for the same set of facts prior to institution of the present case by the informant but the same has not been registered by the police thereafter the petitioner has filed a complaint case bearing Complaint Case No. 510 of 2023 before the court below. He further submits that no one has sustained firearm injury nor anything incriminating has been recovered from the possession of the petitioner. He further submits that it is apparent from the F.I.R. itself that proceeding of delivery of possession has already been completed instead thereof the informant and the police has lodged the case just to harass the petitioner. He further submits that the police after



investigation has submitted charge-sheet in this case against the petitioner Moreover, co-accused, Manoj Jaiswal @ Manoj Kumar Jaiswal and Ritik Jaiswal @ Ritik Kumar along with Raunak Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2023 and 24.08.2023 passed in Cr. Misc. No. 53562 of 2023 and Cr. Misc. No. 48334 of 2023, respectively. The petitioner is rotting in judicial custody since 09.05.2023.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner carries six cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st class, Samastipur in connection with Patori P.S. Case No. 158 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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