

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68297 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Retik Jaiswal @ Retik Kumar @ Ritik Jaiswal S/O Manoj Kumar Jaiswal
R/O Village-Hasanpur Surat, P.S.-PATORI, District-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 : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 01-11-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner apprehends his arrest in connection
with Patori P.S. Case No. 233 of 2023 registered under Sections
341, 323, 307, 353, 337, 504, 506, 379 and 34 of the Indian
Penal Code.

3. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and has falsely
been implicated in the present case. Further submission is that
on 25.05.2022 a notice was served upon the petitioner by the
Nazir, Civil Court Shahpur, Patori for vacating the disputed land
in ten days which was challenged in the Hon'ble Court in
C.Misc. No. 322 of 2022, a copy of said notice is annexed at
Annexure-2 to the bail petition. Thereafter on 05.03.2023



without any prior notice or summon, Nazir and other government officials alongwith police force and 150-200 local *goonda* variously armed came on the alleged place of occurrence and on spot served the notice to the petitioner to vacate the land within one hour. Thereafter the said notice was hanged on wall and D.P. process was initiated and started throwing petrol filled bottles and brick batting on the house of the petitioner due to which the house was badly damaged (Annexure-3). On the same day i.e. on 05.03.2023, the father of the petitioner filed an application before the S.H.O., Patori stating all the facts in detail but the police in collusion with the Nazir refused to take any action. Finding no way out petitioner's father sent the said application by post/emails to all senior police officials (Annexure-4). It is further submitted that when no action was taken on his application, the petitioner's father filed a complaint case before the court below against the informant and others on 29.03.2023, a copy of said complaint case is annexed at Annexure-5 to the bail petition. Learned counsel further submits that on the alleged date of occurrence i.e. on 03.04.2023 petitioner and his father were not present in Patori rather they were in Samastipur Civil Court because on 03.04.2023 date was fixed to record S.A. in Complaint Case No.



510 of 2023 and they were at court campus till 5 pm. When they came back to Patori then they came to know about the atrocity of police in collusion of the informant thereafter petitioner filed an application in the concerned court on 05.4.2023 (Annexure-6).

4. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-I, Samastipur in connection with Patori P.S. Case No. 233 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Arvind Srivastava, J)

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