

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72513 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- PURNEA SADAR District- Purnia

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PRADEEP JAISWAL SON OF NARAYAN JAISWAL R/O CHHAT
POKHAR, TATMA TOLI, P.S.- K.HAT (SAHAYAK), DISTT.- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sadar P.S. Case No.84 of 2022, registered for the offences punishable under Sections 341, 323, 379, 307, 363, 365, 506, 34, 87, 379, 504, 506 of the Indian Penal Code.

The allegation is regarding the accused persons, including the petitioner herein having been threatening the informant, who is a security manager of a courier company, on account of his failure to bring wine from Delhi through the said courier company. It is also alleged that on



31.01.2022, at about 7 p.m., the accused persons had kidnapped one of the security guard and had subsequently left him after having assaulted him. As far as assaulting the informant is concerned, the co-accused person namely, Diwakar Jayswal is alleged to have done so.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner, the FIR has been filed belatedly after a great delay i.e. on 05.02.2022, the injuries found on the person of the aforesaid security guard are simple in nature and as far as the petitioner is concerned, he is not stated to have assaulted the security guard, hence it is submitted that the petitioner be admitted to the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of



anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that the FIR has been filed after a great delay, only on 05.02.2022, although the incident is stated to have taken place on 28.01.2022 and 31.01.2022 respectively, apart from the fact that neither the aforesaid security guard has sustained any grievous injuries, nor the petitioner is alleged to have assaulted the informant, hence, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Purnea in connection with Sadar P.S. Case No.84 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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