

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65994 of 2023

Arising Out of PS. Case No.-324 Year-2020 Thana- GAYA KOTWALI District- Gaya

MD. JAWAID KHAN SON OF LATE MD. SERAJUDDIN KHAN
RESIDENT OF VILLAGE- MURARPUR, PS- KOTWALI, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.

Mr. Anil Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 353, 290, 309, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on the date of occurrence, when the informant along with Deputy Municipal Commissioner and other staffs of municipality arrived at shop No.10 at Ghani Market to vacate it, then petitioner started shouting and committed hindrance in official work.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been



falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The real fact is that the petitioner runs the alleged shop in the market and was in legal possession of the said shop through allotment by the Municipal Corporation for which he had paid the rent for three months, but suddenly he was asked to vacate the premise due to some political motives. There is civil dispute between the parties. Petitioner has filed a title suit for possession against Municipal Corporation. He has also filed a complaint case vide Complaint Case No. 28 of 2022. He has been granted benefit of Section 41A of Cr.P.C. He has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, there is civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with



Kotwali P.S. Case No. 324 of 2020, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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