

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2584 of 2015**

Arising Out of PS.Case No. -389 Year- 2012 Thana -GOPALGANJ CITY District- GOPALGANJ

Vinay Kumar Dubey @ Binay Dubey @ Vinay Dubey S/o Late Binod Dubey R/o Village Lakhapatiya More, Ward No. 2, P.S. Gopalganj, District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

**Criminal Miscellaneous No.21767 of 2015**

Arising Out of PS.Case No. -389 Year- 2012 Thana -GOPALGANJ CITY District- GOPALGANJ

Raghunath Pandey Son of Late Babu Ram Pandey Resident of village - Paharpur, Chhangur, P.S. Kuchaikot, District - Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

**Appearance :**

(In Cr.Misc. No.2584 of 2015)

For the Petitioner/s : Mr. Radha Mohan Pathak, Advocate.

For the Opposite Party/s: Mr. R.P.S.Singh (App)

(In Cr.Misc. No.21767 of 2015)

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

For the Opposite Party/s: Mr. Yogendra Kumar Singh (APP)

**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

3      21-05-2015      Heard learned counsel for the parties as with regard to the anticipatory bail to both the petitioners, who are facing prosecution for offence under sections 147, 149, 337 and 379 of the Indian Penal Code and under Section 27 of the Arms Act.

Submissions on behalf of both the petitioners is one and same that it was in relation to a neighbouring dispute when certain altercation is said to have taken place, but then whatever has been said

by the informant against the petitioner Vinay Kumar Dubey @ Binay Dubey @ Vinay Dubey has not been substantiated in the sense that firing made by him has not caused any injury and that the used cartridge was produced by the informant himself before the police which would hardly give any authenticity to the allegation made by the informant.

On behalf of petitioner Raghunath Pandey, it is stated that in fact there is no any allegation of firing nor of doing any overt act.

Considering the nature of allegation and criminal antecedent against the petitioner, Vinay Kumar Dubey @ Binay Dubey @ Vinay Dubey (Cr. Misc. No. 2584 of 2015), this Court is not inclined to grant privilege of anticipatory bail to him. His prayer for anticipatory bail is hereby rejected.

But then, considering the fact that there is no specific allegation of overt act against the petitioner, Raghunath Pandey (Cr. Misc. No. 21767 of 2015) and he has also got no criminal antecedent, this Court would direct that if the petitioner, namely, Raghunath Pandey surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 389 of 2012, subject to the following conditions:

- (i) That both the bailors will be close family relatives of



the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.
- (iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

**(Mihir Kumar Jha, J)**

Sujit/-

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