

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47156 of 2014

Arising Out of PS.Case No. -89 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

Vijay Dubey Son of Indradeo Dubey R/o village - Nariyar, P.S. Motipur,
District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.48005 of 2014

Arising Out of PS.Case No. -89 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

Prince Dubey Son of Baidhnath Dubey Resident of Village-Nariyar, P.S.-
Motipur, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.47156 of 2014)

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Md.Sufiyan (App)

(In Cr.Misc. No.48005 of 2014)

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Gopesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 147, 341, 342, 323, 379, 407, 384 & 411 of the Indian Penal Code and that the petitioners' involvement till date has not surfaced on the basis of any material and that the allegation that the petitioner Prince Dubey was the main kingpin



of Telkatwa gang which also does not get support from at least his criminal antecedent, this Court, by taking into account that even other petitioner, namely, Vijay Dubey has also got no criminal antecedent, would direct that if the petitioners, namely, Vijay Dubey of Cr. Misc. No. 47156 of 2014 and Prince Dubey of Cr. Misc. No. 48005 of 2014 would surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate (West), Muzaffarpur in connection with Motipur P.S. Case No. 89 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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