

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 58613 of 2018

Arising Out of PS. Case No.-163 Year-2017 Thana- Bhagwanpur District- Bhabhua (Kaimur)

Mithilesh Dubey S/o Bhola Dubey, R/o Vill.- Raja Ke Akordhi, P.S.- Belaon,
District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 03-10-2018 Heard Sri Rajani Kant Pandey, learned counsel for
the petitioner. None appeared on behalf of State.

The sole petitioner, apprehending his arrest in Bhagwanpur P.S. Case No. 163 of 2017 registered for offence under Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal Code, has prayed for grant of bail in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that petitioner is an Army personnel and in village politics, he was falsely implicated and this was the reason that during investigation, police found the case against the petitioner untrue and final report was submitted, which fact has been stated in paragraph – 10 of the petition. It has been argued that even thereafter, the learned Magistrate, differing with the police



report, has taken cognizance. Learned counsel for the petitioner has also tried to persuade the Court that injury report does not support the prosecution case.

Be that as it may, considering the fact that during investigation police found the case untrue against the petitioner and final report was submitted, I am of the opinion that it is a fit case for granting privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Mithilesh Dubey be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-5, Kaimur at Bhabua/concerned court in connection with Bhagwanpur P.S. Case No. 163 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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