

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19157 of 2019

Arising Out of P.S. Case No.-790 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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ABHISHEK @ GOLU DUBEY, aged about 28 years, Male, Son of Late
Rajeev Ranjan Dwivedi Resident of Village - Rajapur, P.S.- Sahebganj, Distt -
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
22.11.2018 in connection with Motihari Town P.S.Case No.790
of 2018/G.R.No.7879 of 2018 for the offence alleged under
Sections 188 and 414/34 of the Indian Penal Code as well as
Section 42 of the Prisoners Act, 1984.

The prosecution case as lodged by the Jail
Superintendent, Central Jail, Motihari is that the petitioner a
prisoner, along with co-accused Ashwani Dubey, had hidden a
mobile phone in the lavatory and the pictures clicked by the said
phone had gone viral.

It has been submitted by the learned counsel for the



petitioner that he is innocent, the mobile phone was not recovered from the conscious possession of the petitioner and that he is languishing in judicial custody in the present case since more than four months. Chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and as many as four more cases are pending against the petitioner and the incident occurred while the petitioner was in prison.

Considering the nature of allegations and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Motihari Town P.S.Case No.790 of 2018, G.R.Case No.7879 of 2018 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari.

(Nilu Agrawal, J)

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