

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28695 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- NAUHATTA District- Rohtas

1. Dhananjay Dubey @ Dhananjay Kumar Dubey, aged about 40 years, Gender Male, Son of Rama Shankar Dubey
2. Madhusudan Dubey, aged about 26 years, Gender : Male, Son of Late Uma Dubey
3. Narayan Dutt Dubey, aged about 28 years, Gender Male, Son of Late Uma Dubey
4. Rama Shankar Dubey, aged about 50 years, Gender Male, Son of Late Shyam Bihari Dubey
5. Utkarsh Dubey, aged about 19 years, Gender Male, Son of Dhananjay Dubey , All residents of Village and P.S.-Nauhatta, District-Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anil Kumar Sinha, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 325, 307, 354, 379, 447, 448, 504, 506 and 120B/34 of the Indian Penal Code registered in connection with Nauhatta P.S. Case No. 156 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of past enmity relating to the land dispute and there is case and counter case between the parties. It is submitted that the specific accusation of assault on the head of Narayan Thakur and on the little finger of the left hand of Ram Pratap Thakur is against petitioner nos. 2 and 3. The accusations of assault upon them against the other accused persons are general and omnibus in nature. Except the injuries sustained by Ram Pratap Thakur which are grievous in nature, all other injuries are simple in nature.

4. Having regard to the nature of accusations, gravity of offence alleged as well as specific accusation of assault upon Ram



Pratap Thakur who has sustained grievous injuries attributed to the petitioner nos. 2 and 3, namely, Madhusudan Dubey and Narayan Dutt Dubey, this Court is not inclined to grant anticipatory bail to them. The anticipatory bail petition as against them stands dismissed.

5. As regards petitioner nos. 1, 3 and 5, namely, Dhananjay Dubey @ Dhananjay Kumar Dubey, Rama Shankar Dubey and Utkarsh Dubey in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Nauhatta P.S. Case No. 156 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of petitioner nos. 1, 3 and 5 shall be their close relatives .

(ii) That petitioner nos. 1, 3 and 5 shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner nos. 1, 3 and 5 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That petitioner nos. 1, 3 and 5 shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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