

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80617 of 2018

Arising Out of PS. Case No.-216 Year-2017 Thana- SANGRAMPUR District- East
Champaran

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1. Ajay Dubey @ Praveen Dubey
 2. Vijay Dubey.
 3. Pradeep Dubey @ Pradeep Diwedi @ Chunnu Dubey.
All three Sons of Lal Babu Dubey.
 4. Binish Kumar @ Binish Dubey
 5. Awnish Dubey @ Avinash Dubey @ Avinash Kumar,
Both are Sons of Vijay Dubey.
All are resident of Village- Bariyaria, P.S.- Sangrampur, District- East
Champaran, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bishnu Kant Dubey, Advocate
For the State	:	None

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsel for the petitioners.

Despite valid service of notice, no one appears for
the State.

The petitioners seek pre-arrest bail in connection
with Trial No. 2299 of 2018 arising out of Sangrampur P.S. Case
No. 216 of 2017 registered under Sections 341, 323, 324, 307,
504 and 506 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that the ingredients of offence punishable under
Section 307 of the Indian Penal Code are not attracted in the
present case. It is further contended that from the perusal of the



FIR itself it would appear that no act was done by the petitioners with intention to cause death. As per the FIR itself, the accused persons, who were armed with deadly weapon, are alleged to have caused injury with *butt* of the pistol. There is no allegation that they opened fire. The other sections under which the FIR has been instituted are bailable in nature. It is pleaded that the members of prosecution party are close agnates and there is series of cases between them.

Considering the nature of allegation and the submissions made above, in the event of arrest or their surrender before the court below the petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of ACJM-XIV, Motihari in connection with Trial No. 2299 of 2018 arising out of Sangrampur P.S. Case No. 216 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

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