

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6523 of 2020

Arising Out of PS. Case No.-346 Year-2019 Thana- DAUDNAGAR District- Aurangabad

1. UPENDRA DUBEY S/o Raj Kumar Dubey R/o village- Khairadeep, P.S.- Daudnagar, Distt.- Aurangabad
2. Golden Dubey S/o Late Parasnath Dubey R/o village- Khairadeep, P.S.- Daudnagar, Distt.- Aurangabad
3. Sunil Dubey @ Sunil Kumar Dubey S/o Parasnath Dubey R/o village- Khairadeep, P.S.- Daudnagar, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shri Prakash Tiwari
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 24-06-2020 Heard learned counsel for the parties.

Learned counsel for the petitioner submits that during the pendency of this bail application, petitioner no. 3 has been arrested as such he does not intend to press the application so far as petitioner no. 3 is concerned.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 447, 341, 342, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

Informant in his written complaint has alleged that on 31.10.2019 at about 8:30 am, when he was going to market and reached near his land then he saw petitioner along with accused



persons were filling soil in his land and when he protested Upendra Dubey gave iron rod blow which caused injury on his right hand finger and when Informant started running to save himself then co-accused Golden Dubey fired gun shot upon him on account of which he fell down and accused Sunil Dubey snatched Rs. 4000/- from him and threatened to run away otherwise he would be killed.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to land dispute. There is one complaint case bearing no. 270 of 2019 is pending between the parties. It has been submitted on behalf of the petitioner that Annexure-2 is the injury report from perusal of which it appears that the injury sustained by Informant is simple in nature. Petitioners have got no criminal antecedent.

Considering the fact that there is direct allegation against petitioner no. 1 of inflicting iron rod blow on the person of the Informant causing fractured injury on finger of Informant which is stated to be grievous in nature, I am not inclined to enlarge the petitioner no.1 on bail. Hence, the prayer for bail of the petitioner no. 1 is hereby rejected.

So far as **petitioner no. 2** is concerned, no fire arm injury has been found, he is directed to be released on anticipatory bail in the event of his/ her arrest



or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Daugnagar P.S. Case No. 346 of 2019**, subject to the conditions laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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