

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6898 of 2020

Arising Out of PS. Case No.-158 Year-2017 Thana- UCHKAGAON District- Gopalganj

PRAKHAR DUBEY @ AKASH DUBEY S/o Nityanand Dubey R/o village-
Sipahiya Dhala, P.S.- Vishambharpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-06-2020

The present case was heard at length on

29.05.2020 and it has been listed today “For Orders”.

The petitioner seeks regular bail in connection with Uchkagaon P.S. Case No. 158 of 2017 for the offence punishable under Sections 307/34 of the Indian Penal Code and 27 of Arms Act.

The case of the prosecution in brief is that the informant was chased by two unknown miscreants while he was going with his brother on his motorcycle and thereafter the motorcycle of the miscreants had overtaken the motorcycle of the informant and the miscreants had asked them to stop the motorcycle. It is further alleged that in the meantime, the miscreant had opened fire, causing injury on the right hand of the informant, whereafter, the miscreants had fled away. It



appears that the name of the petitioner has transpired in the present case on the basis of the confessional statement made by the co-accused person namely Anurag Singh.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is not named in the FIR and has been falsely implicated in the present case. It is further submitted that the petitioner is languishing in custody since 08.11.2019 and the police is harassing the petitioner on account of pendency of six other cases against the petitioner, out of which the petitioner is on bail in five cases and as far as the present case is concerned, the petitioner has been remanded in the present case after being arrested in one another case.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials available on record as also gone through the case diary and I find from the records that the injury report pertaining to the informant shows the injury received by the informant to be simple in nature and moreover, the petitioner has been implicated in the present case in view of the confessional statement made by the co-accused person namely Anurag Singh, however, it is apparent from his confessional



statement that no role, in the alleged crime, has been attributed to the petitioner herein. It appears that only because of pendency of other criminal cases against the petitioner, he has been roped in the present case and remanded in the present case after he was arrested in one other case. Hence, this Court finds that benefit of doubt is required to be extended to the petitioner for the purposes of grant of bail. Accordingly, this Court deems it fit and proper to direct for release of the petitioner on regular bail.

Let the petitioner, above named, be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Uchkagaon P.S. Case No. 158 of 2017.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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