

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6807 of 2020

Arising Out of PS. Case No.-214 Year-2017 Thana- MIRGANJ 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
Mirganj P.S. Case No. 214 of 2017 for the offence punishable
under Sections 302, 120-B/34 of the Indian Penal Code and 27
of Arms Act.

The case of the prosecution in brief is that the
informant’s nephew namely Vijay Yadav used to run a
Recording Studio near Sanichara Baba at Hathua and used to
come from there back to home daily, however, on 17.08.2017 at
9.30 p.m., the informant received information that his nephew
has been shot near Basdilah, near the ditch at Hathwa-
Kushaundhi road, whereupon the informant and others are
stated to have rushed to the place of occurrence and saw that



the said nephew of the informant was lying in a pool of blood and had received gunshot injuries on his chest and head.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is not named in the FIR, there is no eye witness of the occurrence and the petitioner is languishing in custody since 08.11.2019. It is further submitted that the petitioner is accused in six other cases, however, he is on bail in five of them and in the remaining one criminal case, he has approached this Court for grant of bail.

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. A bare perusal of the case diary shows that the police had arrested a co-accused person namely Anurag Singh, who has confessed his guilt and has stated that he was the person who had shot at the nephew of the informant namely Vijay Yadav and had looted various articles like Laptop, gold chain etc. apart from taking away a sum of Rs. 50,000/- and subsequently he had divided the looted booty amongst the other accused persons including the petitioner herein. This Court finds that even if the confessional statement of the



aforesaid Anurag Singh is taken into account on its face value, it would be apparent that no role has been attributed to the petitioner herein in the murder of the nephew of the informant or in helping the accused person, namely Anurag Singh in committing loot and further no incriminating article or looted articles have been recovered from the possession of the petitioner as also it appears that merely on account of bad criminal antecedent, the petitioner has been roped in the present case, thus, this Court finds that benefit of doubt is required to be extended to the petitioner herein, as far as prayer of the petitioner for grant of bail is concerned, hence, this Court directs for release of the petitioner, above named, 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 Mirganj P.S. Case No. 214 of 2017.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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