

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28527 of 2020**

Arising Out of PS. Case No.-207 Year-2019 Thana- DAWATH District- Rohtas

Shailendra Dubey @ Pintu Dubey S/o Shashi Bhusan Dubey Resident of
Village-Chatra, P.S.-Dawath, District-Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ramesh Tiwary, Advocate

For the Opposite Party/s : Mr.Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 04-12-2020 Learned counsel for the petitioner undertakes to remove
all the defects pointed out by the Stamp Reporter within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nirmala
Kumari, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Dawath P.S. Case No. 207 of 2019 registered for
the offences punishable under Sections 147, 148, 149, 307, 302, 504
of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the
First Information Report the petitioner and one Sunil Singh had
instigated the main accused Shatrudhan Singh to fire on the
informant. It is alleged that on their instigation Shatrudhan Singh
fired on one Ankit Kumar Singh who ultimately died. It is then
alleged that after firing some other co-accused entered in the premises



of Janakdhari Singh and Shatrudhan Singh while causing indiscriminate firing. The reason for occurrence is said to be the election dispute between the petitioner and the informant's side.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, he was not armed with any weapon and the only vague and general kind of allegation against him is that he along with other co-accused Sunil Singh had instigated the main accused Shatrudhan Singh to fire. Learned counsel submits that it is a case of false implication because of political reason and further that earlier one FIR was lodged by the petitioner's side against the informant's side which is Annexure '2' to the present application. Learned counsel has then submitted that the co-accused Sunil Singh has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 19353 of 2020 and several other co-accused have been given the privilege because of the general and omnibus kind of allegations.

Having regard to the facts and circumstances of the case wherein from the FIR it appears that this petitioner was not having any weapon in his hand and the allegation against him is that he had instigated Shatrudhan Singh but similar allegation is there against co-accused Sunil Singh who has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court, the petitioner has otherwise no criminal antecedent, let in case of his arrest or surrender the petitioner above named within a period of four weeks from today



in connection with Dawath P.S. Case No. 207 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Sasaram, Rohtas, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

