

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5112 of 2021

Arising Out of PS. Case No.-250 Year-2020 Thana- BIHIA District- Bhojpur

1. PAPPU DUBEY S/O LATE RAMDAS DUBEY R/O VILLAGE-SALEMPUR, P.S.-ARA MUFFASIL, DISTRICT-BHOJPUR.
2. CHOTE DUBEY @ CHOTE KR. DUBEY S/O LATE RAMDAS DUBEY R/O VILLAGE-SALEMPUR, P.S.-ARA MUFFASIL, DISTRICT-BHOJPUR.
3. NANHE DUBEY @ NAGKESHWAR DUBEY S/O LATE RAMDAS DUBEY R/O VILLAGE-SALEMPUR, P.S.-ARA MUFFASIL, DISTRICT-BHOJPUR.
4. NARAD YADAV S/O SHEO SHANKAR YADAV R/O VILLAGE-SALEMPUR, P.S.-ARA MUFFASIL, DISTRICT-BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-09-2021 Heard Mr. Gopal Govind Mishra, learned Advocate for the petitioners and Ms. Sangeeta Sharma, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bihiya P.S. Case No. 250 of 2020 dated 16.07.2020 instituted for the offences under Sections 504, 323, 385, 147, 149 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation in the FIR is of the petitioners having come to the house of the informant and having created an atmosphere of terror for refusal of payment



of Rangdari money.

Learned counsel for the petitioners has submitted that so far as the petitioners no. 2 and 3 are concerned, except for their having been named in the FIR, there is no accusation against them.

So far as the petitioners no. 1 and 4 are concerned, they are said to have opened fire but it admittedly did not hit anybody. The informant has been hurt by the firing resorted to by co-accused Bikku Ojha, who is not the petitioner before this Court.

Taking into account the overt act played by petitioners no. 1 and 4, I am not inclined to enlarged them on anticipatory bail.

Accordingly, their prayer for anticipatory bail is rejected.

However, if they surrender before the court below and seek bail, it shall be considered on its own merits without being prejudiced by the fact that the present petition on their behalf has not been entertained.

Since no specific overt act has been attributed against the petitioners no. 2 and 3, who have only been named in the FIR, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date



of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 5th Ara, Bhojpur in connection with Bihiya P.S. Case No. 250 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

