

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12236 of 2022

Arising Out of PS. Case No.-365 Year-2020 Thana- MAIRWAN District- Siwan

1. RAM EKBAL DUBEY Son of Late Kaushal Dubey R/o Village- Sewtapur, Birti Tola, P.S.- Mairwa, District- Siwan.
2. Ajay Dubey @ Ajay Kumar Dubey Son of Ram Ekbal Dubey R/o Village- Sewtapur, Birti Tola, P.S.- Mairwa, District- Siwan.
3. Sanjay Dubey Son of Rajindra Dubey R/o Village- Sewtapur, Birti Tola, P.S.- Mairwa, District- Siwan.
4. Anurag Dubey Son of Ram Ekbal Dubey R/o Village- Sewtapur, Birti Tola, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2022 At the outset, learned counsel for the petitioner seeks permission to withdraw this anticipatory bail application in respect of petitioner no.2, Ajay Dubey @ Ajay Kumar Dubey.

Permission is granted.

Accordingly, this anticipatory bail application is dismissed as withdrawn so far as petitioner no.2, Ajay Dubey @ Ajay Kumar Dubey is concerned.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection



with Mairwa P.S. Case No.365 of 2020, registered for the offences punishable under Sections 341, 323, 308, 379 and 34 of the Indian Penal Code.

The petitioners are said to have assaulted the informant and her family members by means of lathi, danda and bricks. On the order of Ram Ekbal Dubey, the petitioners assaulted the husband of the informant by means of lathi causing head injury.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. There is general and omnibus allegation against the petitioners. It is further submitted that all injuries are simple in nature except one, which is not specifically attributed to any of the petitioners. It is submitted that similarly situated co-accused, Abhay Dubey has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.01.2022, passed in Cr. Misc. No.15461 of 2021. It is lastly submitted that the petitioners have got no criminal antecedents.

The learned APP for the State opposed the prayer for anticipatory bail of the petitioners

Taking into consideration the facts that no specific



overt act is alleged against the petitioners and similarly situated co-accused, Abhay Dubey has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court, let petitioners no.1, 3 and 4, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Mairwa P.S. Case No.365 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

Sanjay/-

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