

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39172 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- GOPALGANJ TOWN District- Gopalganj

1. UMAKANT DUBEY @ UMA DUBEY Son of Late Jagarnath Dubey
Resident of Village- Eakderawa, P.S.- Gopalganj, District- Gopalganj.
2. RATIKANT DUBEY @ SADHU Son of Umakant Dubey @ Uma Dubey
Resident of Village- Eakderawa, P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate.

Mr. Pravin Kumar, Advocate.

Mr. Udbhav, Advocate.

For the Opposite Party/s : Mr.Zainul Abedin, APP.

Mr. DILIP KUMAR, Advocate.

Mr. SATISH KUMAR, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 18-04-2022 Heard the learned counsel appearing on behalf of the
petitioners and learned APP for the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with
Gopalganj (Town) P.S. Case No. 17/2021, for the offence
punishable under Sections 302/34 of the Indian Penal Code and
section 27 of the Arms Act.



Prosecution story, in brief, is that the father of the informant was going to attend his duty at home guard office on motorcycle instructing him and his cousin to properly irrigate the field. The informant saw that two persons armed with fire arms are chasing his father and when he ran to save his father, he saw that Sanjay Singh @ Banri and Uma Dubey @ Umakant Dubey (petitioner) started firing indiscriminately on his father and his father ran to save his life towards his house, then Abhishek Dubey @ Guddu and Ratikant Dubey @ Sadhu (petitioner) along with two unknown persons appeared from behind the house of Bhanu Pratap Singh and surrounded his father and killed him using firearms.

Learned counsel for the petitioners submits that the petitioners are innocent. So far as petitioner no. 1 Umakant Dubey is concerned, he is post master posted at Semrahi Branch. On date and at the time of occurrence, he was present at his office performing duty. Petitioner no. 2 is son of petitioner no.1 and he is a student. There is land dispute between the parties. Both the petitioners are in custody since 06.01.2021.

Considering the serious nature of allegation made against these petitioners that the petitioners were seen by the informant firing indiscriminately on his father, as a result of which, his father died and the allegation is supported by the witnesses in the case diary, I am not inclined to enlarge the



petitioners on bail at this stage.

Accordingly, the present bail application is rejected.

Ranjeet/-

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(Purnendu Singh, J)

