

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37878 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- RASULPUR District- Saran

Rupesh Dubey, S/O Shivjee Dubey Resident Of Village- Rasulpur, P.S.-
Rasulpur, District- Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Kant

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant, during election, along with his Bhabhi and worker Ritesh Patel @ Maruti were campaigning for his mother when they were intercepted by three unknown criminals on a motorcycle. Further, one of the accused fired causing death of Ritesh Patel, though the attack was made to kill the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is next submitted that name of the petitioner transpired based



on suspicion in the statement of Sanjiv Kumar, who is a friend of the deceased and had stated that the petitioner might have killed the deceased. Further, it is next submitted that Sanjiv Kumar had dispute with the petitioner as Rasulpur P. S. Case No.155 of 2020 was instituted against the petitioner alleging that he had kidnapped the sister of Sanjiv Kumar, but the police submitted final form as sister of Sanjit Kumar in her statement recorded under Section 164 of the Cr.P.C. had not supported the prosecution case. It is also submitted that one more case i.e. Rasulpur P. S. Case No.77 of 2021 was instituted against the petitioner, but in that case, cognizance was taken under bailable sections.

The learned counsel thus submits that the name of the petitioner was transpired in the statement of Sanjiv Kumar with whom he was on an inimical term as Rasulpur P. S. Case No.155 of 2020 was instituted. It is next submitted that even before the learned Sessions Judge, Saran, it was submitted that name of this petitioner has come only on the basis of suspicion. The learned counsel thus submits that as far as criminal antecedent of the petitioner is concerned, with respect to the same, it has been submitted as aforesaid that one case was instituted with regard to kidnapping of the sister of Sanjiv Kumar and in the other case, cognizance under the bailable Sections were taken.

The learned A.P.P. opposes the bail application and submits that no doubt, the petitioner has tried to make out a case that



his name transpired in the present case based on suspicion, but then the matter is under investigation. .

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rasulpur P. S. Case No.227 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if police after investigation submits charge-sheet against the petitioner, then the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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