

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47925 of 2021**

Arising Out of PS. Case No.-420 Year-2020 Thana- CHOUTARWA District- West
Champaran

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SUDARSHAN DUBEY Son of Sharda Dubey Resident of Village- Bariarwa,
P.S.- Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 09-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the four named accused persons including the petitioner herein who were armed assaulted the brother of the informant, killed him and threw away his dead body. On search, the dead body of the informant's brother was found the next morning and information was given to the police. The informant states that the cause of occurrence is enmity between Ripusudan Dubey and the brother-in-law of the informant as a result of which the said Ripusudan Dubey had threatened him a number of times.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the full brother of co-accused Ripusudan Dubey. It is submitted that from the FIR it is



clear that there are no eye-witness to the occurrence. Learned counsel further submits that even the cause of occurrence has been stated to be enmity between the brother-in-law of the informant and Ripusudan Dubey. The said Ripusudan Dubey has been enlarged on anticipatory bail vide order dated 29.7.2021 (Annexure 4) passed in Cr. Misc. no. 7800 of 2021. The petitioner is in custody since 13.4.2021 and charge sheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the petitioner, grant of anticipatory bail to the FIR named co-accused namely Ripusudan Dubey and the petitioner having remained in custody for more than 9 months, the Court directs the petitioner to be enlarged on bail in connection with S.Tr. no. 2455 of 2021(arising out of Chautarwa P.S. Case no. 420 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Bagaha, District West Champaran.

(Partha Sarthy, J)

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