

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41558 of 2022

Arising Out of PS. Case No.-157 Year-2019 Thana- LAURIA District- West Champaran

Dhanjeet Dubey, Son of Pradeep Dubey @ Pradeep Kumar Dubey, Resident
of Village - Gobaura, Police Station- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate Mr. Sachida Nand Rai, Advocate
For the State	:	Mr. Surendra Prasad Singh, APP
For the Informant	:	Mr. Sunil Kumar No. III, Advocate Mr. Bijendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant
through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Lauriya P.S. Case No. 157 of 2019 registered
for the alleged offences under Sections 341, 323, 324, 307 and
504 of the Indian Penal Code.

As per prosecution case, the informant and his son
went to the agnate of the informant and demanded their share of
money from the sale of a tree by the agnate Pradeep Dubey.



Some altercation took place and the petitioner took out a knife and gave knife blow to the son of the informant and when the informant tried to save him, the petitioner also gave a knife blow in his abdomen.

The learned counsel for the petitioner submits that no occurrence as alleged has ever taken place. For the occurrence of same time, the petitioner has got registered Lauriya P.S. Case No. 154 of 2019 for offences under Sections 341, 323, 324, 307, 452, 354 and 34 of the Indian Penal Code in which the petitioner and his family members have sustained injuries. The fardbeyan of the petitioner was recorded and the FIR was registered prior to the registration of FIR of the informant of this case. Learned counsel further submits that the injured in this case received simple as well as grievous injuries. The informant has received grievous injuries whereas, his son has received simple injuries. From the FIR, it also appears that the dispute took place over a petty issue. The petitioner is in custody since 05.05.2022 and the charge sheet has been submitted. The petitioner is having a complaint case pending against him under Section 417 of the Indian Penal Code in which he is on bail.

Learned APP as well as learned counsel for the



informant vehemently oppose the submissions made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against this petitioner that he gave knife blow to the informant as well as his son and the injury of the informant is on right abdomen and is stated to be grievous in nature. However, he concedes that the injuries on the son of the informant are stated to be simple in nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter-case between the parties and further considering the nature of dispute and injuries sustained by the informant and his son and also considering the period of custody of the petitioner and submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Bettiah, District-West Champaran, in connection with Lauriya P.S. Case No. 157 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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