

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60297 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- ASANWA District- Siwan

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1. HIRA LAL DUBEY @ HEERA LAL DUBEY Son of Sri Gangeshwar Dubey Resident of Village - Babhanauli, P.S.- Asawn, District - Siwan
 2. Abhay Dubey @ Abhay Kr. Dubey @ Jhota Dubey Son of Sri Gangeshwar Dubey Resident of Village - Babhanauli, P.S.- Asawn, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-03-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Asaow
P.S. Case No. 41 of 2020 instituted for the offences under
Sections 324, 307, 506 and 34 of the Indian Penal Code read
with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the
petitioners are in custody since 21.08.2021, charge-sheet has
been submitted in the case, petitioner no.1 has antecedent of five
cases and petitioner no.2 has antecedent of three cases.

Learned counsel for the petitioners submits that the
informant alleges that the petitioners along with named accused



persons came to the house of the informant and Abhay Dubey (petitioner no.2) fired at the informant but missed, thereafter Shatrudhan Dubey @ Malik Dubey fired hitting him, further the accused persons had come to kill his father.

Learned counsel for the petitioners submits that petitioner no. 1 is not alleged to have fired and as far as petitioner no. 2 is concerned, it is alleged that he fired but it missed. It is further submitted that both the petitioners are teachers and are brothers of Shatrudhan Dubey who is on an inimical term with Pushpendra Pandey, a veteran criminal having antecedent of 18 cases. It is submitted that whenever a dispute between Shatrudhan and Pushpendra arises, the family members of both the sides are implicated. Learned counsel submits that from perusal of the allegation as alleged it would manifest that the informant just to implicate the family members of Shatrudhan Dubey implicated the petitioners with an allegation that petitioner no. 2 fired at him.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted in the case, none of the petitioners are alleged to have fired hitting or injuring the



informant or any of the family members and taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Smt. Sweta Singh, learned Judicial Magistrate/Successor Court, Siwan in connection with Asawn P.S. Case No. 41 of 2020.

(Satyavrat Verma, J)

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