

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50626 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- MAIRWAN District- Siwan

**BRAJENDRA DUBEY @ BAJENDRA DUBEY S/o Late Sitaram Dubey R/o
Seni Chappra, P.S.- Mairwa, District- Siwan, Bihar.**

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Sinha, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Mairwa P.S. Case No.141 of 2022 instituted under Section 25(1-
b)/a/26/35/27 of Arms Act.

As per the prosecution story, the police upon information
that a person died due to firearm injury, reached the place and it was
disclosed by the villagers that the petitioner and his brother has
resorted to the said firing and are present in their house. Accordingly,
the home of accused Birendra Dubey was surrounded whereafter said
Birendra Dubey and his elder brother, the petitioner herein were
apprehended and cache of arms/cartridges were recovered.
Accordingly, they were taken into custody and the present FIR was
lodged.



Learned counsel for the petitioner submits that for the said alleged killing, Mairwa P.S. Case No.141 of 2022 already stands registered against them as also the entire family members. So far as the present case is concerned, the arms were recovered from the house of his brother Birendra Dubey and simply because he was present there, he has been arrested and is in jail since 08.04.2022.

Taking into account the fact that so far as the present case relating to the recovery/seizure of arms are concerned, it has been recovered from the house of Birendra Dubey, the petitioner is an old man, aged about 64 years, charge sheet stands submitted and is in custody since 08.04.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mairwa P.S. Case No.141 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate, VII, Siwan, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay

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