

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52056 of 2022

Arising Out of PS. Case No.-151 Year-2018 Thana- UCHKAGAON District- Gopalganj

BABALU DUBEY @ RAJESH KUMAR DUBEY S/o Sri Baleshwar Nath
Dubey @ Baleshwar Dubey Resident of Village- Balesara, P.S.- Uchkagaon,
District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N.Shahi, Sr. Adv. Mr. Milind Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Nagendra Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-11-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of bail in a case registered under sections 302, 307, 452, 326 and 120B of the Indian Penal Code and section 27 of the Arms Act.

The earlier application for bail of the petitioner was rejected vide order dated 22.12.2021 passed in Cr. Misc. no.15295 of 2020.

As per the prosecution case, it is stated that while the informant was sitting in front of his house with his elder son and others, the accused persons including the petitioner herein came on a motorcycle and resorted to firing. It is as a result of the firing resorted to by the petitioner that the informant who tried to save his son, died. The son of the informant namely,



Satyendra Chaudhary died in course of treatment in Gopalganj.

It is submitted by learned Senior counsel appearing for the petitioner that from perusal of the contents of the case diary, it would transpire that there is no specific allegation against this petitioner. In fact, as per the confessional statement of other coaccused recorded in paragraph nos. 81, 86 and 90, other coaccused have confessed to being the assailants. It is further submitted that inspite of the petitioner having remained in custody for 4 years 5 months ie since 31.5.2018, there is no progress whatsoever in the learned trial Court and even charge has not been framed. The petitioner undertakes to cooperate in the trial.

A report was called for from the learned trial Court. As per the report received contained in letter dated 17.8.2022 there are altogether 14 chargesheet witnesses in the case. It further transpires that charges have still not been framed.

Having heard learned counsel for the parties and taking into consideration the facts of the case, contents of the report received from the learned trial Court according to which even charge has not been framed together with the petitioner having remained in custody for 4 years 5 months since 31.5.2018, the petitioner is directed to be enlarged on bail in



connection with Sessions Trial No.10 of 2019 (arising out of Uchkagaon P.S. Case no. 151 of 2018) 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 District and Sessions Judge-IX, Gopalganj on the following conditions:

(i) One of the bailors of the petitioner shall be the father of the petitioner.

(ii) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(Partha Sarthy, J)

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