

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38200 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- MAIRWAN District- Siwan

1. SUDAMA DUBEY Son of Sitaram Dubey Resident of Village - Seni Chhapar, P.O.- and P.s.- Mairwa, Distt.- Siwan, Bihar -841239
2. Krishna Nand Dwivedi Son of Sitaram Dubey Resident of Village - Seni Chhapar, P.O.- and P.s.- Mairwa, Distt.- Siwan, Bihar -841239
3. Abhay Kumar Son of Sitaram Dubey Resident of Village - Seni Chhapar, P.O.- and P.s.- Mairwa, Distt.- Siwan, Bihar -841239
4. Indrajeet Kumar Dwivedi @ Chandan Dubey Son of Krishna Nand Dwivedi Resident of Village - Seni Chhapar, P.O.- and P.s.- Mairwa, Distt.- Siwan, Bihar -841239

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60313 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- MAIRWAN District- Siwan

RANJAN DUBEY @ RANJAN KUMAR DUBEY S/O BRAJENDRA DUBEY Resident of Seni Chhapra, P.S.- Mairwa, District- Siwan, Bihar- 841239

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38200 of 2022)

For the Petitioner/s : Mr.Pranav Kumar

For the Opposite Party/s : Mr.Nand Kumar

(In CRIMINAL MISCELLANEOUS No. 60313 of 2022)

For the Petitioner/s : Mr.Aryan Sinha

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.



The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Mairwa P.S. Case no. 142 of 2022 instituted for the offence punishable under Sections 341, 323, 324, 307, 302, 120(B), 448, 504/34 of the Indian Penal Code.

As per allegation in the FIR, on 7.4.2022 scuffle took place between petitioner no. 2 and accused no. 6 over a dispute regarding their vehicles dashed with each other while turning. At same day evening, under a conspiracy, they came at the place of occurrence and accused Bira Devi gave a licensee rifle to Birendra Dubey, who fired upon Yogendra Dubey, which hit his stomach and he fell down and died on spot. It is further alleged that petitioner Ranjan Dubey gave a country made pistol (Katta) to Bajendra Dubey, who fired on the brother of the informant, which hit on his waist and during course of treatment, he died.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Specific allegation of firing is against co-accused Birendra Dubey and Bahendra Dubey. In fact, allegations against the petitioners are vague, general and imaginary. Petitioners were not present at the place of occurrence. Due to



dirty village politics, they have been falsely implicated in this case.

Learned counsel for the informant and learned APP appearing for the State has opposed the prayer of Bail and submitted that this is a case of double murder.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners (1) Sudama Dubey, (2) Krishna Nand Dwivedi (3) Abhay Kumar and (4) Indrajeet Kumar Dwivedi on bail. They are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Mairwa P.S. Case no. 142 of 2022, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Siwan subject to the conditions as laid down under section 438(2) of the Cr.P.C.

So far as petitioner Ranjan Dubey @ Ranjan Kumar Dubey is concerned, there is specific allegation of providing katta to main co-accused Brajendra Dubey, who fired upon the informant's brother, namely, Aditya Dubey and he died during course of treatment, I am not inclined to grant him bail. His



prayer for anticipatory bail stand rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

