

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4660 of 2023

Arising Out of PS. Case No.-244 Year-2022 Thana- AANDAR District- Siwan

1. Vijay Shankar Dubey @ Mantu Dubey S/O Late Vishwanath Dubey R/V-
Gherai Andar, P.O. And P.S.- Andar, District- Siwan
2. Arjun Sahni S/O Bihari Sahni R/V- Bandhu Chak, P.S.- Dumrahn, District-
Balua (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 25(1-b)(a)/26/35 of
Arms Act and Section 30(a) of Bihar Prohibition of
Excise Act.

It is a case of recovery of 62 live cartridges,
one foreign made pistol and 16.5 litres of I.M.F.L. from
the house of petitioner.

It is submitted by learned counsel for the
petitioners that the petitioners are innocent and they



have committed no offence. They have falsely been implicated in the present case. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner rather the same is alleged to have been recovered from the house of the petitioner which is part of joint house of petitioner and his agnates. It is also submitted vide para 9 of the petition that family member of petitioner, namely, Shiv Ji Dubey (Cousin of petitioner No. 1) has been killed by miscreants in the month of June 1997 and later on again in the year 2020 one other family member, namely, Tinku Dubey (Cousin of petitioner No. 1) has been killed for which F.I.R. was registered and petitioner No. 1 was /is one of the witnesses to aforesaid occurrence and only due to that reason there is always threat over the life of petitioner. On representation given by petitioner No. 1, one police man was appointed for his security. So far as, petitioner No. 2 is concerned, he is working as labour with petitioner No. 1 and both the petitioners are



languishing in judicial custody since 15.11.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Andar P.S. Case No. 244 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court No. 1, Siwan.

(Sunil Kumar Panwar, J)

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