

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5196 of 2023

Arising Out of PS. Case No.-347 Year-2021 Thana- DEHRI TOWN District- Rohtas

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UMAKANT DUBEY @ BABA S/O LATE JAGDISH DUBEY Resident of
Village- Jhumar Dibra, P.S.- Barun, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh,Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
26.10.2022 in connection with Town P.S.Case No.347 of
2021, F.I.R. dated 01.07.2021 registered for the offence
punishable under Section 365 of IPC.

As per prosecution case, the son of the informant
went missing and it came to the knowledge of the informant
that the petitioner along with co-accused Bhola Paswan and
the son of the informant were eating and drinking together
prior to the son of the informant had gone missing. The
informant also showed her suspicion regarding one Bhola
Paswan and Raja Pandey who have threatened her son and



they might have abducted him.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused persons, namely, Biru Yadavd and Bhola Ram. Further submits that except the confessional statement of the co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. In fact it has come during investigation that the petitioner is owner of the vehicle in question. Learned counsel for the petitioner submits that the petitioner is not the owner of the vehicle in question and he had no knowledge about the vehicle which was used for the abduction of the victim. Further submits that co-accused person, namely, Bhola Ram, who named the petitioner and co-accused person, namely, Bhola Ram and Ved Prakash @ Bhola Paswan have been granted bail by a Coordinate Bench of this Hon'ble Court vide orders dated 30.11.2022 and 14.12.2022 passed in Cr. Misc. Nos.5331 of 2022 and 39575 of 2022 respectively and the police, after investigation,



submitted the chargesheet against the petitioner and the petitioner is in custody since 26.10.2022.

Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the sufficient material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that the petitioner carries twenty three more cases other than the present one, but fairly submits that out of 23 cases, the petitioner has been acquitted in 18 cases and in rest five cases, the petitioner is on bail, as mentioned in para-2 of the supplementary affidavit.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dehri, Rohtas at Sasaram in connection with Town P.S.Case No.347 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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