

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42129 of 2023

Arising Out of PS. Case No.-294 Year-2022 Thana- MAIRWAN District- Siwan

Pradip Dubey @ Pradip Kumar Dubey, Male, aged about 31 years, Son of Late Dukhi Nath Dubey, Resident of Peepar Poti, P.S.- Ghuthni, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

For the Informant : Mr. Ansul, Advocate

Mr. Rakesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner, learned learned APP for the State and learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Mairwa P.S. Case No. 294 of 2022 dated 04.08.2022 instituted under Sections 341,342,307/34 of the Indian Penal Code and Section 27 of the Arms Act later on Section 302 of the IPC was also added.

3. As per the fardbeyan of the informant the accused persons intercepted the informant when he was going to his house and co-accused Vijay Pandey fired causing injury on stomach, Yogendra Yadav fired causing injury on the other side of the stomach and petitioner fired causing injury on the back of the informant and Santosh Pandey fired on hand of the informant. The injured informant was taken to Primary Health



Centre where he was referred to higher Centre and he was admitted in PARAS Hospital and later on, he died during the course of treatment.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the case. Petitioner is a witness against co-accused Vijay Pandey who is an accused in Mairwa P.S. Case No. 20 of 2021 and Guthani P.S. Case No. 169 of 2022 instituted by his brother and sister-in-law respectively and it is improbable that he would have fired at the deceased of the present case with the side of killer of his brother. He further submits that post mortem report of the deceased does not corroborate the injury on the back side of the chest of the deceased. He further submits that it is difficult to comprehend that deceased was in a position to give his statement before the police on 04.08.2022 when the occurrence is alleged to have taken place on 02.08.2022 alleging that he was shot by Yogendra Yadav and Vijay Pandey on his stomach.

5. Learned APP for the State assisted by learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against the petitioner that he fired upon the informant by pistol



which hit on the back side of the informant which is corroborated by injury no. 5 on the deceased. The police found the case true against the petitioner and witnesses also supported the prosecution case. He has two criminal antecedent.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties and direct allegation against the petitioner, this Court does not find any merit in the application and is accordingly, dismissed.

(Sunil Dutta Mishra, J)

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