

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41393 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- SISWAN District- Siwan

1. Ravi Ranjan Dubey Son Of Shyam Bihari Dubey Village- Nagai Ps- Siswan Chainpur Op Dist- Siwan
2. Prakash Dubey Son Of Shyam Bihari Dubey Village- Nagai Ps- Siswan Chainpur Op Dist- Siwan
3. Murari Dubey Son Of Late Ramji Dubey Village- Nagai Ps- Siswan Chainpur Op Dist- Siwan
4. Banke Bihari Dubey Son Of Late Ramji Dubey Village- Nagai Ps- Siswan Chainpur Op Dist- Siwan
5. Shyam Bihari Dubey Son Of Late Ramji Dubey Village- Nagai Ps- Siswan Chainpur Op Dist- Siwan
6. Din Bandhu Dubey Son Of Late Awadh Bihari Dubey Village- Nagai Ps- Siswan Chainpur Op Dist- Siwan
7. Vikash Dubey Son Of Late Awadh Bihari Dubey Village- Nagai Ps- Siswan Chainpur Op Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Adv. Mr. Anil Kumar Tiwary, Adv. Mr. Sanjay Kumar Pandey, Adv.
For the State	:	Mr. Bharat Lal, APP
For the Informant	:	Ms. Riya Giri, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-08-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the informant.

2. Learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no. 6.



3. Permission is accorded.

4. Accordingly, this application with regard to petitioner no. 6 is dismissed as withdrawn.

5. Now, this application is being heard only with regard to petitioners no. 1, 2, 3, 4, 5 and 7.

6. Heard learned counsel for the petitioners and learned APP for the State assisted by learned counsel for the informant.

7. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 427, 307, 504, 506/34 of the Indian Penal Code.

8. As per the prosecution case, allegation against the petitioners are that they along with other co-accused persons assaulted the informant.

9. Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is case and counter case between the parties and the injury was found simple in nature. Petitioner no. 1 has two criminal antecedent, petitioner no. 2 has one criminal antecedent, petitioner no. 3 has three



criminal antecedents, petitioners no. 4 and 5 have four criminal antecedent and petitioner no. 7 has two criminal antecedents as mentioned in para-3 of this application.

10. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. Learned counsel for the informant by filing a counter affidavit has also stated that there is reasonable apprehension of tampering with the witnesses or apprehension of threat to the informant by the petitioners. Hence, the petitioners do not deserve bail.

11. Having regard to the facts and circumstances of the case and the fact that the injury was found simple in nature, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Siswan (Chainpur O.P.) P.S. Case No.113 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Petitioners are directed to cooperate in the



investigation as well as in the trial and shall not tamper with the evidence and, if it is found and proved that the petitioners have done so, then the informant would be at liberty to file the application for cancellation of their bail.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

