

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43418 of 2023

Arising Out of PS. Case No.-628 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

Madan Dubey, Son of Sri Ram Raj Dubey, Resident of Village- Kathdihari,
P.S.- Sasaram, District- Rohtas, Pin -821115.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Adv. Ms. Sushmita Sharma, Adv. Ms. Kanu Priya, Adv.
For the State	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Ashwani Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Sasaram (M) P.S. Case No. 628 of 2022 dated 22.12.2022 registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act pending in the learned Court below.

3. As per the prosecution story, it is alleged that this petitioner along with other co-accused persons surrounded the son of the informant namely Devendra Dubey with an intention to kill him. It is further alleged that one co-accused Anil Dubey shot the son of the informant and the cartridge hit over his jaw.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the informant and the accused persons belong to the same family and there is a land dispute in between them. He submits that there is no specific overt act against the petitioner except that he was holding *lathi* in his hand. He submits that the petitioner was only a member of unlawful assembly. He further submits that the specific allegation of firing upon the injured is against Anil Dubey. He submits that co-accused Ram Raj Dubey and Ravi Shankar Dubey have been granted bail by the lower court itself. He further submits that petitioner has got one criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances and also the fact that the petitioner was only a member of the mob, I am inclined to accept the anticipatory bail of the petitioner. Accordingly, let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty-Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor Court, in connection with Sasaram (M) P.S. Case No. 628 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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