

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47224 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- DEHRI TOWN District- Rohtas

AWANISH KUMAR DUBEY @ AWANISH DUBEY @ ANKIT DUBEY
S/o Abhay Dubey Resident of Quarter No. SC 1st, Chaudhary Chauk
Dalmianagar, P.S.-Dalmianagar, District-Rohtas at Sasaram (Bihar) at present
residing at Village-Dumri Channa, Godam Padaon, P.S.-Padaon, District-
Varanasi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Samreen, Advocate
	:	Mr. Rakesh Mohan Singh, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 324,
307, 452, 506 and 120(B) of the Indian Penal Code.
3. The informant alleges that petitioner along with
other accused in the night entered his house and assaulted him
with knife causing injury on chest and abdomen and Vishal with
whom he was sleeping in the room brought him to the hospital.
4. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the present case, it is next submitted that



petitioner is a young boy aged about 21 years and is studying in Ambition (Institute of Technology) at Varanasi as would manifest from the pleadings made at paragraph 4 of the supplementary affidavit and the identity card of the petitioner which is annexed as Annexure 2, it is also submitted that petitioner passed his 12th examination in the year 2018 from Model School, Dalmiyanagar, Rohtas.

5. The learned counsel next submits that from perusal of the allegation as alleged in the FIR it would manifest that no motive or reason has been assigned for committing the occurrence, it is next submitted that informant himself is a criminal and indulges in extortion for which Dalmiyanagar P.S. Case No. 550 of 2022 under Section 385 of the Indian Penal Code has been instituted, it is further submitted that falsity of the allegation would manifest from the fact that the occurrence is dated 22.02.2023 but then the informant was not taken to the nearest Government hospital rather his injury was prepared by a private hospital on 18.03.2023 which is Annexure 2 to the anticipatory bail application and from perusal of the same it would manifest that it records that there is only injury on the left side of the chest.

6. The learned counsel next submits that no doubt the



injury corroborates the allegation but then the manner in which the Injury Report has been prepared after a delay of nearly a month from the date of occurrence casts an aspersion on the case of the prosecution, it is next submitted that petitioner is a student and is studying and no motive or reason has been assigned in the FIR for committing the occurrence rather the informant who is a criminal was trying to evict the family members of the petitioner from the Quarter in which they are residing for which the mother of the petitioner had approached the police but the FIR was not taken, thereafter, she wrote a letter to the Superintendent of Police, still no action was taken and thereafter, she had to file a Complaint case on 13.03.2023, it is thus submitted that it appears that the informant in order to preempt the mother of the petitioner from instituting the police case instituted the present case though the case of the mother of the petitioner was not taken by the police.

7. The learned counsel next submits that falsity of the allegation would also manifest from the fact that from perusal of the FIR it would manifest that the informant on 22.02.2023 instituted the present case based on a written application before the police. It is thus submitted that had the petitioner been assaulted by knife then police would have immediately rushed



him to the nearest Government hospital but that is not the case, this further casts an aspersion on the case of the prosecution.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a student and in view of the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dehri Nagar (Dalmia Nagar) P.S. Case No. 135 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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

