

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47938 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- ASANWA District- Siwan

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1. Vijay Shankar Dubey, Son of Shiv Balak Dubey
 2. Manoj Dubey @ Manoj Kumar Dubey Son of Late Shiv Balak Dubey
 3. Amaresh Kumar Dubey @ Ambesh Dubey Son of Manoj Dubey
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, APP
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioners and Mr. Brajendra Nath Pandey. learned APP for the State.

The petitioners apprehend their arrest in connection with Asaon P.S. Case No.26 of 2022 instituted under Sections 341,323,324,379,504/34 of the IPC.

As per the prosecution story, the informant alleged that the accused persons assaulted and in the process allegation against Vijay Shankar Dubey (petitioner no.1) is of giving axe blow on his head and further when his son Jitendra Kumar Dubey to rescue, allegation against Manoj Dubey (petitioner no.2) and Amresh Kumar Dubey (petitioner no.3) are of assaulting on his neck by means of 'Garashi' which caused injury on his upper leg.



Learned counsel for the petitioners submit that it is a matter of case and counter case and the petitioners had also lodged Asaon P.S. Case No.2 of 2022 alleging assault on their side also.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that allegation against petitioner no.1, Vijay Shankar Dubey is of assaulting on the head which having found to be grievous in nature, this Court is not inclined to grant him relief and his petition stands rejected.

So far as the petitioner no.2, Manoj Dubey @ Manoj Kumar Dubey and petitioner no.3 Amaresh Kumar Dubey @ Ambesh Dubey are concerned, the allegation is that they gave injury on the leg.

Considering the aforesaid fact as also that the aforesaid two petitioners do not carry criminal antecedent, this Court is inclined to grant them relief.

Let the petitioner no.2, Manoj Dubey @ Manoj Kumar Dubey and petitioner no.3 Amaresh Kumar Dubey @ Ambesh Dubey be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of



Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Asaon P.S. Case No.26 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate, VII, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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