

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.742 of 2023

Arising Out of PS. Case No.-93 Year-2018 Thana- GHORASAHAN District- East
Champaran

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UMANG DUBEY Son of Anand Kumar Dubey Resident of Village - Ward
No.- 33, West Gopalpur, Behind Syndicate Bank, Motihari, P.S.- Town,
District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Singh

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 394, 302 of
the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant alleged that his
brother was running customer service centre of S.B.I. at his
home and when he went from J.L.N.M. college Ghorasahan to
village Banjhula, two miscreants fired upon informant's brother
and snatched his money bag as well as his motorcycle and fled
away. It is further alleged that informant brother was died during
course of treatment.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. It is evident from FIR, it has been alleged that only two persons were at the place of occurrence but during investigation, several persons including this petitioner have falsely been made accused in this case. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. The petitioner is not named in FIR rather his name has been transpired in this case on the basis of confession made by co-accused Ali @Ali Jahan who is already getting the privilege of bail granted by a co-ordinate Bench of this Court vide order dated 29.5.2019 passed in Cr. Misc. No. 15821 of 2019. Except confessional statement, nothing consistent evidence has come against the petitioner. It is further submitted that the petitioner is languishing in judicial custody since 4.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Ghorasahan P.S. Case No.



93 of 2018 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikrahana, East Champaran.

(Sunil Kumar Panwar, J)

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