

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17080 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- JAMOBABAZAR District- Siwan

1. Sujit Dubey Son of Suresh Dubey Resident of vill.- Jalalpur, P.S. Jamo Bazar, Distt.-Siwan
2. Prince Dubey son of Suresh Dubey Resident of vill.- Jalalpur, P.S. Jamo Bazar, Distt.-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Jamobazar P.S. Case No. 77 of 2023 dated 23.04.2023,
instituted for the offence punishable under Sections 341, 342,
447, 323, 325, 307, 504 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, the allegation is that
due to land dispute, scuffle took place which became violent and
accused persons are alleged to have assaulted the informant as
well as his family members.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and they have been falsely implicated in



this case. It is alleged in the F.I.R. that Sujeet Dubey gave sword blow to the informant, Rupesh Shukla gave *farsa* blow to the brother of the informant, Prince Dubey gave knife blow to the informant, Hemant Shukla assaulted Ajay Dubey with *bhujali* and Sudama Dubey assaulted the informant with *bhala*. It is submitted that there is admitted land dispute between the parties. There is case and counter case between the parties. The petitioners side also lodged Jamobazar P.S. Case No. 78 of 2023 for the offence punishable under Sections 341, 342, 447, 448, 323, 324, 379 and 504/34 of the I.P.C. against informant and his family members. The petitioners side also lodged complaint case bearing Complaint Case No. 2313 of 2022 earlier against the informant and his family members. The petitioners filed Title Suit No. 566 of 2023 against the informant side which is pending for final adjudication. After investigation, police submitted final form and found that accusation against the petitioners and co-accused Tara Dubey and Suresh Dubey is false and there is no cogent material against them to send them for trial and Final Form has been submitted on 18.07.2023. The learned Magistrate differing with the Final Form and took cognizance against the petitioners. It is submitted that main allegation is against Bihari Dubey, Rupesh Shukla, Hemant



Shukla and Sudama Dubey. Lastly, it has been submitted that petitioner no. 1 has two cases against him and so far petitioner no. 2 is concerned, there is no case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Jamobazar P.S. Case No. 77 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Siwan, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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