

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46854 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- Dhobaha District- Bhojpur

PREM DUBEY @ PREM KUMAR DUBEY SON OF NAND JEE DUBEY
VILLAGE- SALEMPUR, P.S.- DHOBAHA, DISTT.- BHOJPUR AT ARA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubham Sourav, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

Mr. Gopal Govind Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-08-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel appearing on behalf of the
informant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian
Penal Code in connection with Dhobaha P.S. Case No.08 of
2024.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of three cases and the informant
alleges that on 11.03.2024 he had gone to attend marriage of his
neighbour's daughter when he was intercepted by the petitioner
and Rohit who started abusing him, on protest it is alleged that
Rohit pointed pistol upon the informant while petitioner started



pressing his neck by both hands. The occurrence was witnessed by Nagendra and Bhagwan Dubey and Rohit Dubey took away golden chain and Rs.5300/- from the informant's pocket, it is next alleged that reason for the occurrence is that on 10.03.2024 one Dadan Dubey was distributing grains to public by his PDS Shop and instead of giving 5kg grains only 4kg grain was being distributed and the informant made recording of the same, thus he was threatened to be shot by the accused persons.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case, it is also submitted that informant is Surpanch of the village. It is next submitted that it does not appear probable that the petitioner being co-villager would have assaulted the informant who is Surpanch. It is further submitted that on account of dispute of the informant with Dadan the present false case came to be instituted implicating the accused persons in a very wise manner as petitioner is friends of Dadan Dubey. It is also submitted that in the nature of allegation prima facie no offence under Section 307 of the IPC is made out. It is further submitted that though there is allegation that Rohit pointed pistol, but then the FIR has not been instituted under the Arms Act. It is next submitted petitioner will not abscond rather will cooperate in the



investigation.

5. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application. The learned counsel appearing on behalf of the informant submits that petitioner has three criminal antecedents.

6. Considering 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., VII, Bhojpur, Ara in connection with Dhobaha P.S. Case No.08 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a further condition that one of the bailor of the petitioner shall be his father, namely, Nand Jee Dubey.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner.



8. Let a copy of this order be sent to the concerned
P.S. through the learned Trial court.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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