

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48423 of 2024

Arising Out of PS. Case No.-834 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Chandra Bhushan Dubey @ Guddu Dubey SON OF Shambhu Dubey @
Shambhu Narayan Dubey Village- Mohania, P.S.- Shiv Nagar, District-
Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. HALKHORI DUBEY SON OF LATE NATHUNI DUBEY Village-
Mohania, P.S.- Shiv Nagar, District- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Adv.

For the Opposite Party/s : Mr.Arvind Kumar Pandey(APP84)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Complaint Case No.834 of 2019 in which cognizance has been taken under Sections 341 and 323 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per the prosecution, the complaint case has been lodged against eight accused persons including the petitioner against whom there is allegation that they have reached at the house of the informant with *lathi* and gun and started firing by which the informant's son was injured. It has also been



mentioned that for the said occurrence, F.I.R. has been lodged in which final report has been submitted by the police, thereafter complaint-cum-protest petition has been filed in which cognizance has been taken.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the complaint petition itself, it transpires that both accused and the complainant belong to the same village and both are agnates.

5. Learned Counsel further submits that for the alleged date of occurrence dated 24.07.2018, F.I.R. has been lodged bearing Shivsagar P.S. Case No.253 of 2018 in which final report has been submitted by the police and police has found false F.I.R.

6. Learned Counsel further submits that against the said report, the complainant has filed complaint-cum-protest petition in which cognizance has been taken by the court under the above mentioned sections. He further submits that the dispute is absolutely civil in nature, but with a view to create pressure, the present case has been filed.

7. Learned Counsel also submits that antecedent of the petitioner is clean and he is aged about 52 years.



8. Learned APP for the State opposes the prayer for bail and submits that it is true that against final report, complaint-cum-protest petition has been filed and cognizance has been taken.

9. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Rohtas, Sasaram in connection with Complaint Case No.834 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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