

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63661 of 2024

Arising Out of PS. Case No.-1513 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

1. Dharamnath Chaubey Son of Late Daya Chaubey R/o Village- Lakhaura, P.S.- Chanpatia, District- West Champaran, at present R/o Village- Uttarwari Pokhara Bettiah, P.S.- Bettiah Town (Kalibagh O.P.), District- West Champaran
2. Suraj Kumar Chaubey @ Suraj Chaubey @ Aditya Raj S/o Dharamnath Chaubey R/o Village- Lakhaura, P.S.- Chanpatia, District- West Champaran, at present R/o Village- Uttarwari Pokhara Bettiah, P.S.- Bettiah Town (Kalibagh O.P.), District- West Champaran
3. Amlesh Kumar@ Amlesh Dubey Son of Awadhesh Dubey R/o Village- Dubey Tola Jabdaul, P.S.- Chanpatia, District- West Champaran
4. Awadhesh Dubey Son of Late Bam Dubey @ Bamdeo Dubey R/o Village- Dubey Tola Jabdaul, P.S.- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi Wife of Ashok Dubey R/o Village- Dubey Tola Jabdaul, P.S.- Chanpatia, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Adv. Mr. Bashishta Narayan Mishra, Adv.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP Mr. Rananjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2024 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the opposite party
No. 2.

2. The petitioners apprehend their arrest in connection with
Complaint Case No. 1513 of 2022 registered under Section 302
of the Indian Penal Code.



3. As per complaint case, on 08.02.2017, all the named accused persons including these petitioners came to the house of complainant and took away husband of complainant saying that they were going to the house of petitioner no. 1. It is alleged that all the accused persons administered poison to him and thereafter the accused persons fled away. It is lastly alleged that husband of complainant was brought to the hospital at Bettiah, and during the course of treatment, he died.

4. Learned counsel appearing on behalf of the petitioners submits that the complaint case has been filed after an inordinate delay of 6 days without assigning any plausible explanation for delay. Complainant is not an eye witness of the case and merely on suspicion she implicated these petitioners in the present case. As a matter of fact, petitioner no. 1 who is brother-in-law of the deceased who lodged an FIR bearing Chapatiya P.S. Case No. 57 of 2017 and police after investigation submitted charge-sheet against co-accused Ramayan Paswan, in retaliation this false complaint case has been lodged at the instance of mother-in-law of co-accused Ramayan Paswan against the petitioners. In the present complaint case, police after investigation has already submitted final form.

5. Learned A.P.P. appearing on behalf of the State and



learned counsel for the opposite party No. 2 opposed the bail application.

6. Having considered the aforesaid facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail-bonds of Rs. 10,000 (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bettiah, West Champaran in connection with Complaint Case No. 1513 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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