

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61680 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- HATHUA District- Gopalganj

Rajesh Dubey Son of Prabhunath Dubey R/o vill - Singha Tola Tulsiya,
Nayagaon Hathwa, P.s. - Mirganj, Distt. - Gopalganj Petitioner/s
Versus
The State Of Bihar Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-02-2024 Heard Mr. Kumar Kaushlendra, learned counsel

appearing on behalf of the petitioner and Mr. Ajit Kumar,

learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Hathuwa P.S.Case No.01/2023 registered for the offences

punishable under Sections 341, 323, 448, 354(B) & 379/34 of

the Indian Penal Code .

3. As per the allegation made in the FIR, the petitioner

outraged the modesty of the informant and thereafter along with

his father assaulted the family member of the informant. The

informant, due to the deep shock, died on 06.01.2023.

4. Learned counsel appearing on behalf of the

petitioner submitted that the petitioner is an innocent man and

he was never involved in such type of crime, however, due to

family dispute, he has been roped in a false case. The petitioner

has clean antecedent. The other co-accused persons have been

granted anticipatory bail by a Co-ordinate Bench of this Court,



vide order dated 10.11.2023 passed in Cr. Misc. No.65470 of 2023. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Mr. Mukesh Kumar, learned counsel, who has tendered his appearance on behalf of the informant and the learned APP for the State have vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having heard the rival submissions made on behalf of the parties, as well as, the informant is no more and the specific allegation has been made against the petitioner, I am not inclined to release the petitioner on pre-arrest bail, however, the petitioner, if so advised, may surrender before the district court within a period of four weeks from the date of this order and the court below is directed to hear the regular bail application of the petitioner on the same day it is filed and pass an order in accordance with law considering the materials available on record including the case diary.

7. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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