

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60027 of 2023

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

Prabhunath Dubey S/O Sarwadev Dubey R/O Village- 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

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-02-2024 Heard Mr. Kumar Kaushlendra, learned counsel
appearing on behalf of the petitioner and Mr. Madhura Nand
Jha, 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 son of
the petitioner, namely, Rajesh Dubey, had assaulted and
outraged the modesty of the informant, who after deep shock
died on 06.01.2023.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is an old man, aged
about 75 years and he can not imagine even to involve himself



in the immoral act, as alleged in the FIR, which had been lodged by the deceased herself and for any immoral conduct, as alleged in the FIR, the petitioner can not be held responsible. However, the petitioner admits that he has not been able to control his son to maintain dignity in the society and the family. The petitioner has clean antecedent. 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 considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, which is primarily against the son of the petitioner, namely Rajesh Dubey, the petitioner is aged about 75 years, I am of the opinion that the petitioner has made a case to be released on pre-arrest bail, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM XIV, Gopalganj/concerned court, in connection with



Hathua P.S.Case No.1/2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C. with further condition that the petitioner will give an undertaking that he will maintain dignity in his family, as well as, in the society.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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