

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80099 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- DHANAHA District- West Champaran

ADWANI DUBEY @ LAL KRISHNA DUBEY SON OF RAMCHNDRA
DUBE RESIDENT OF VILLAGE DEVIPUR BAZAR, P.S.- DHANAHA,
DISTRICT- WEST CHAMPARAN, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Ranjan

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 585 of 2023 arising out of P.S. Case No. Dhanaha P.S. Case No. 20/2023 registered on 26.01.2023 lodged under Sections 302, 120(B) of I.P.C.

3. As per the prosecution case, F.I.R. has been lodged against the petitioner to whom there is an allegation that he has assaulted the deceased by Iron Rod as stated by the informant.

4. Counsel further submits that petitioner is innocent and has committed no offence. Counsel for the petitioner submits that from perusal of the F.I.R., it transpires that the occurrence is of 24.01.2023 and F.I.R. has been lodged on



26.01.2023. Counsel further submits that on earlier occasion, case diary has been called for. From case diary, it seems that the inquest report has been prepared by the police on 25.01.2023 and re-statement has also been taken on 25.01.2023 whereas F.I.R. has been lodged on 26.01.2023 which shows that there is serious procedural lapse in this case. He submits that F.I.R. has also been produced before the C.J.M. on 30.01.2023. All these happenings create series of doubt on the prosecution. Counsel for petitioner submits that petitioner is law abiding citizen and he is ready to fulfill all the conditions whatsoever shall be imposed on him. He further submits that petitioner is in custody since 30.01.2023 having no criminal case pending against him.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge if the charge is not framed yet* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Bagha, West Champaran in connection with Sessions Trial No. 585 of 2023 arising out of P.S. Case No. Dhanaha P.S. Case



No. 20/2023, subject to the conditions laid down under Section
437 (3) of the Cr.P.C.

(Dr. Anshuman, J)

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