

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85494 of 2023

Arising Out of PS. Case No.-227 Year-2021 Thana- RASULPUR District- Saran

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RUPESH DUBEY @ RUPESH KUMAR DUBEY SON OF SIVJEE DUBEY
R/O VILLAGE - RASULPUR, P.S. - RASULPUR, DIST. - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Kant, Advocate
		Mr. Shantanu Kumar, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, A.P.P.
For the Informant	:	Mr. Sanjay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-01-2024 1. Learned counsel for the petitioner seeks permission to make rectification in para no. 1 of the anticipatory bail application in course of the day.
2. Permission is accorded.
3. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.
4. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.
5. The petitioner had earlier moved before this Court by filing Cr. Misc. No. 37878 of 2022. The petitioner was granted the privilege of anticipatory bail till filing of the charge-sheet and it was clearly recorded in the order dated 19.09.2022 in Cr. Misc. No. 37878 of 2022 that if police after investigation



submits charge-sheet against the petitioner then the present anticipatory bail order shall lose its effect.

6. Learned counsel for the petitioner submits that no doubt, the police after investigation has submitted charge-sheet against the petitioner but then during the course of investigation no material came which could even remotely connect the petitioner with the offence. It is further submitted that the implication of the petitioner is based on suspicion in pursuance of statement made by a witness Sanjiv Kumar with whom he is on an inimical term.

7. Learned A.P.P. and the learned counsel for the informant opposed the anticipatory bail application.

8. The Court is not inclined to entertain the anticipatory bail application. Hence, the prayer for anticipatory bail is rejected.

9. However, in the event, if the petitioner surrenders before the learned trial court on or before 22.01.2024, the learned trial court shall try to dispose of the case on the same day.

(Satyavrat Verma, J)

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