

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81224 of 2023

Arising Out of PS. Case No.-405 Year-2023 Thana- KESARIA District- East Champaran

Ravi Shankar Dubey Son Of Ramjanam Dubey Resident Of Village
-MANNPUR, Ward No. 9, Ps- Kalyanpur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Kesariya P.S. Case No. 405 of 2023 dated 09.08.2023, instituted for the offence punishable under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that son of informant namely, Mukesh Kumar Diwedi @ Munna Diwedi was going to Registrar office, in the way, in village- Rajpur Jirat someone committed murder of son of informant by shooting him. When the informant came to his house, he came to know that the petitioner along with Ayush Kumar and other associates have committed murder of the son of informant under criminal conspiracy.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is the father of co-accused namely, Ayush Kumar and only on the basis of suspicion, the petitioner has been made accused in this case. It is further stated that informant is not an eye witness to the alleged occurrence. It is further submitted that the injured person did not disclose the name of petitioner in his statement recorded under Section 161 Cr.P.C. It is further submitted that the petitioner and informant are co-villager and due to previous enmity, the name of the petitioner has been dragged in this case. Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kesariya P.S. Case No. 405 of 2023, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, East Champaran, Motihari,
subject to condition as laid down under Section 438(2) of the
Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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