

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86268 of 2024

Arising Out of PS. Case No.-419 Year-2018 Thana- MEHSI District- East Champaran

Ashwani Dubey @ Golu Dubey S/O Ajay Kumar Dubey R/O Gandhinagar,
Road No.2, Kolhua, Bairya, Paigambarpur, P.S.- Ahiyapur, District.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Ranjan, Advocate
		Mr. Abhishek Teerthankar, Advocate
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Mehshi P.S. Case no. 419 of 2018 registered under sections 399, 402 and 414 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and sections 4, 5 and 6 of the Explosive Substance Act.

3. As per the prosecution case, a raid was conducted by the police personnel on receiving information about veteran criminals ie Mukesh Pathak and the petitioner herein planning to give effect to an occurrence. A number of accused persons were caught and various incriminating articles including live cartridges, arms etc. recovered.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of his



antecedents. Neither was he arrested at the spot nor any incriminating article recovered from his possession. Referring to the order of the learned trial Court it is submitted that the main allegation against the petitioner is based on his antecedents and the statement of co-accused Sanjeet Kumar and Sanjeet Choudhary made in course of investigation. Learned counsel referring to the order of the learned trial Court submits that though the case diary has been discussed in detail, however, no incriminating article is said to have been recovered from the possession of the petitioner and there is no material against him except his antecedents. A number of co-accused have been enlarged on bail vide orders contained in Anneuxre-P2 series. The petitioner is in custody since 4.7.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired against the petitioner in course of investigating as is evident from the detailed order of the learned trial Court, grant of bail to a number of co-accused vide Annexure-P2 series, the petitioner having remained in custody



for more than 5 months since 4.7.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Mehshi P.S. Case no.419 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, East Champaran, Motihari.

(Partha Sarthy, J)

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