

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.904 of 2025**

Arising Out of PS. Case No.-138 Year-2024 Thana- KUNDWACHAINPUR District- East  
Champaran

- =====

1.

Jai Prakash Dubey S/O- Late Babu Lal Dubey Village- Jatwaliya Ps- Kundwa Chainpur Dist- East Champaran

2.

Ashok Dubey S/o- Late Babu Lal Dubey Village- Jatwaliya Ps- Kundwa Chainpur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, A.P.P

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

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05-02-2025

Learned counsel for the petitioner submits that inadvertently the criminal antecedents of petitioner no. 1, Jai Prakash Dubey could not be mentioned in paragraph no. 3 of the bail petition and seeks permission to amend paragraph no. 3 in course of the day.

2. Permission is accorded.

3. Heard learned counsel for the petitioners and learned A.P.P. for the State.

4. In the present case, the petitioners seek bail in connection with Kundwa Chainpur P.S. Case No. 138 of 2024 , registered for the offences under Sections 341, 342, 323, 420, 447, 379, 354, 504, 34 of the Indian Penal Code.

5. As per the prosecution case, petitioners and other co-accused persons who were variously armed surrounded the husband of the informant and started assaulting him. When the informant intervened, she was also assaulted and stabbed. The husband of the informant received injury on his head which got fractured in the assault.

6. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. As per FIR there is no specific allegation against the petitioner no. 1 Jai Praksh Dubey whereas the allegation against petitioner no. 2 Ashok Dubey is that of assaulting the husband of the informant with iron rod. But injury report of the husband of the informant shows abrasion on left side of forehead of size 1/2"x1/2". Even the informant received only one injury which is a sharp cut on left elbow of size 1 1/2"x2" muscle deep and swelling on low back of size 2"x3". The injury reports do not corroborate the prosecution allegation as altogether 13 persons are stated to be assailants and injuries are only superficial and there is no corroborative injuries. Learned counsel further submits that the present case is counter blast of Kundwa Chainpur P.S. Case No. 137 of 2024 which was

lodged by petitioner no. 1 against the informant and others as the petitioners were brutally assaulted by them. Learned counsel further submits that the petitioner no. 1 is having one antecedent where is petitioner no. 2 is having two criminal antecedents. The petitioners are in custody since 18.09.2024 and charge sheet has been submitted.

7. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners.

8. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the absence of corroborative injuries and further considering the superficial nature of injuries of the informant and her husband and the submission of charge sheet, period of custody of the petitioners, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., East Champaran/concerned court, in connection with Kundwa Chainpur P.S. Case No. 138 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close

relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Anuradha/-

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