

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6406 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Dilranjan Dubey @ Dilranjan Kumar, S/O Sri Aniruddh Dubey, R/o Village-
Phulwar, Ward No.5 P.S.- Banjaria, Dist.- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2025 Heard Mr. Vinay Ranjan, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Motihari Town P.S. Case No. 369 of 2024 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27, 25(1-b), 26/35 of the Arms Act.

3. Allegedly on the fateful day, the elder brother of the informant, namely, Suresh Prasad Yadav, who was the Secretary of the Society Building, went to the clinic of Dr. Jyoti Jha. In the meantime, two unknown persons shot fire upon him, due to which he sustained injuries and later on the same proved fatal.

4. Learned Advocate for the petitioner contended that the petitioner is not named in the F.I.R. The deliberation on the



part of the informant cannot be ruled out, as the occurrence took place on 26.06.2024, at about 12 'o' clock, but the First Information Report has been instituted on 27.06.2024, that too based upon a typed written report, is the contention of the learned Advocate for the petitioner. Save and except the confessional statement of co-accused Ramesh Mahto, on whose confession, the name of the petitioner surfaced, there is no material suggesting the complicity of the petitioner in the crime and moreover, said Ramesh Mahto has already been granted bail by this Court. It is further contended that during the course of investigation, till date neither any cogent material nor anything has come against the petitioner and now the police is behind the petitioner and thus the present anticipatory bail.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that one of the co-accused, namely, Krishna Dubey @ Hanuman Dubey, uncle of the petitioner, who was also not named in the F.I.R., had come before this Court for grant of anticipatory bail, however, his prayer has been turned town by this Court in Cr. Misc. No. 69749 of 2024 vide order dated 24.01.2025.

6. At this stage, learned Advocate for the petitioner contended that said Krishna Dubey @ Hanuman Dubey, was



facing eight criminal antecedent and, moreover, against whom the process under Sections 82/83 of the Cr.P.C. had already been issued.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired in the confessional statement of co-accused showing his complicity in the crime, coupled with the fact that one of the co-accused, whose name also does not figure in the F.I.R. his application for grant of anticipatory bail has been turned down by this Court, as also the gravity of the offence, this Court is not acceded to the prayer for grant of anticipatory bail to the petitioner. Accordingly, the prayer for grant of anticipatory bail to the petitioner stands rejected.

8. However, if the petitioner surrenders before the court below within six weeks from today and prays for regular bail, the court below shall consider the case of the petitioner without being prejudiced by the order of this Court, in the light of the fact that co-accused Ramesh Mahto, has already been granted regular bail.

(Harish Kumar, J)

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