

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28010 of 2025

Arising Out of PS. Case No.-519 Year-2024 Thana- BHAGWANPUR HAT District- Siwan

Chhotu Kumar Dubey S/O Jitendra Kumar Dubey @ Jitendra Dubey R/O
Village- Hamidpur, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Natraj Verma, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Sanjay Kr. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioner seeks bail in connection with Bhagwanpur Hatt P.S. Case No. 519 of 2024 registered for the offences under Sections 103(1) and 3(5) of the B.N.S.

3. As per prosecution case, the son of the informant was stabbed to death by co-accused Subham Tiwary with help of Golu Singh. The informant alleged that the petitioner might also be involved because he called out the son of the informant and took him to attend the marriage ceremony where the occurrence took place.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. Petitioner has no role in the whole occurrence and it was the petitioner who took the son of the informant to hospital and also informed the informant and others. But the informant, under suspicion, has named this petitioner. Informant has also named his own brother and nephew for being involved in the murder of his son. In this way, the informant has implicated a number of persons for being involved in killing of his son though without any substance. Learned counsel further submits that allegation against the petitioner is that he brought the informant's son to attend the marriage though in the beginning of the FIR, informant has stated that his son Kundan Kumar had gone to attend the marriage of his friend's sister. Learned counsel further submits that the daughter and the wife of the informant stated that Chhotu Kumar had informed them about the death of Kundan Kumar on telephone and the petitioner had himself brought the deceased to Basantpur Health Centre where he was treated by doctor and referred to Sadar Hospital Siwan. This shows the petitioner has no hand in the crime and he tried to save him by taking him to the hospital. Learned counsel further submits that there was love affair between the deceased and the sister of Subham Tiwary and for this reason Subham Tiwary assaulted



the deceased by knife. Petitioner is in custody since 13.12.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner took the son of the informant to the marriage ceremony where he was stabbed and died.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the narration of events and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court in connection with Bhagwanpur Hatt P.S. Case No. 519 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

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

(Arun Kumar Jha, J)

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