

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44882 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- DURAULI District- Siwan

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1. Ramashray Dubey S/o Late Ramchari Dubey R/o village - Chakari, P.S - Darauli, District-Siwan
 2. Vinay Dubey @ Vinay Kumar Dwivedi S/o Ramashray Dubey R/o village - Chakari, P.S - Darauli, District-Siwan
 3. Richa Kumari @ Nidhi @ Kumari Rituja Dwivedi D/o Vinay Dubey @ Vinay Kumar Dwivedi R/o village - Chakari, P.S - Darauli, District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.K. Lal, Sr. Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2025 Heard Mr. S.K. Lal, learned senior counsel for the

petitioners and Ms. Sangeeta Sharma, learned counsel for the

State.

2. After some arguments, learned counsel for the
petitioners seeks permission to withdraw this bail application
with respect to petitioner no.2, namely, Vinay Dubey @ Vinay
Kumar Dwivedi with a liberty to the petitioner to surrender
before the learned Court below within a period of two weeks
from today and seek regular bail.

3. Permission is accorded.

4. The application is dismissed as withdrawn with



respect to petitioner no.2, namely, Vinay Dubey @ Vinay Kumar Dwivedi with the liberty that the petitioner surrender and seek regular bail before the learned Court below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

5. The petitioners are apprehending their arrest in connection with Darauli P.S. Case No. 38 of 2025, F.I.R. dated 19.02.2025 for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 351(2), 352, 3(5) of Bharatiya Nyay Sanhita, 2023.

6. According to prosecution case, the informant alleged that on 17.02.2025 at about 5:00 P.M, the petitioners along with other co-accused persons came at his door and assaulted him and his family members by means of *lathi*, iron rod and *farsa*.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties. Although the petitioners are named in the FIR but there is no specific



allegation of assault against these petitioners rather specific allegation of assault is attributed against co-accused person, namely, Vinay Dubey.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances, there is no specific allegation against these petitioners and there is case and counter case between the parties, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Darauli P.S. Case No. 38 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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