

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46696 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- KESARIA District- East Champaran

Aayush Kumar Dubey @ Pawan Kumar, aged about 25 years, (M), S/o- Ravi Shankar Diwedi, resident of Village- Mananpur, Ward No. 9, PS- Kalyanpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Md. Aslam Ansari, APP
For the Informant	:	Mr. Shanti Bhushan Singh, Advocate
For the Deponent	:	Mr. Hemant Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

7 24-01-2025 Pursuant to order dated 20.09.2024, the deponent has appeared by filing *vakalatnama*.

2. Learned counsel for the deponent has tendered unqualified apology for the inconvenience caused to the court owing to discrepancy in the criminal antecedents of the petitioner. Learned counsel for the deponent further submits that the deponent was not aware about the other cases pending against the petitioner due to which he could not disclose about the same to the conducting lawyer. Further submission is that the deponent is aged about 63 years and such mistake has not been committed knowingly, rather, due to lack of information and old age of the deponent the same could not be disclosed earlier.



3. Having considered the facts and circumstances, the explanation offered by the deponent is hereby accepted, but he is warned to be careful in future.

4. Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the informant, who has appeared *suo motu*.

5. The petitioner seeks bail in connection with Kesariya PS Case No.405 of 2023 dated 09.08.2023, instituted for the offence punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

6. The prosecution case, in short, is that the son of the informant, Mukesh Kumar Dwivdi, was a Deed Writer in the Registry Officer, Keksariya and he was going to Registry Officer on the alleged date of occurrence along with one Bittu Dubey. He was shot dead near Rajpur Zirat. He went at the place of occurrence and inquired about the occurrence and came to know that Ravi Shankar Dubey and the petitioner along with some unknown persons were following his son under a conspiracy and killed him.

7. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant is not the eye witness to the occurrence.



There is no eye witness to the occurrence. Only on the basis of suspicion the petitioner has been implicated in this case. The deceased was accused in several cases and he might have been killed by some unknown persons.

8. Learned APP as well as learned counsel for the informant have opposed the prayer for bail. Learned counsel for the informant has submitted that the countrymade pistol and motorcycle used in the instant crime have been recovered from the possession of the petitioner for which a separate case i.e. Kesariya PS Case 439 of 2023 has been registered. It is also submitted that the tower location of mobile of the petitioner also supports the prosecution case.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to enlarge the petitioner on bail at this stage.

10. Prayer of the petitioner for bail is rejected at this stage.

11. The petitioner is at liberty to renew his prayer for bail after one year if the trial is not concluded by that time.

12. The application stands dismissed.

(Khatim Reza, J)

J. Alam/-

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