

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49864 of 2025**

Arising Out of PS. Case No.-115 Year-2025 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

Prabhu Dubey @ Ganesh Dubey S/o- Late Baleshwar Dubey R/V- Singhi Ps-
Belaon Dist-Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate

For the State : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2025

Heard the parties.

2. The petitioner is in custody in connection with Bhagwanpur P.S. Case No. 115 of 2025 for the offence punishable under sections 126(2), 109, 352, 351(2) and 3(5) of the B.N.S. and section 27 of the Arms Act, lodged on 06.05.2025 by the informant, Lav Kumar Pandey.

3. As per the prosecution story, the informant alleged that on the request of Ishwar Dubey, as Sintu Pathak was in need of money, he provided Rs.54,000/- but upon demand, allegation of assault is/are there. Further, on 05.05.2025 as he was attending a marriage of the sister of Om Singh, Abhay Pandey on the pretext of return of money took him to a nearby temple, where allegation is that Ishwar Dubey, Prabhu Dubey, Sintu Pathak and Tinku Pathak with some other unknown who were in an inebriated condition assaulted. The main allegation is against



Sintu Pathak of opening fire causing injury in his stomach while Ishwar Dubey opened fire which hit his friend Antu Yadav. Thereafter, they were shifted to Trauma Centre, Banaras while the accused escaped.

4. Learned counsel for the petitioner submits that a perusal of the F.I.R. would show that save and except his presence at the place of occurrence, no further allegation is there, main role has been assigned to Sintu Pathak and Ishwar Dubey of opening fire causing injury to the informant as also Antu Yadav. Though he concede that the petitioner has criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that he was also present at the place.

6. Considering the submissions of the parties as also that specific role is against Sintu Pathak and Ishwar Dubey, no role has been assigned to him, he is in custody since 08.05.2025, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Kaimur at Bhabhua, in connection with



Bhagwanpur P.S. Case No. 115 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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