

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69749 of 2024

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

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Krishna Dubey @ Hanuman Dubey, Son of Late Bindeshwari Dubey,
Resident of Village- Fulwaria, P.S.- Banjaria, Distt.- Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Ritwik Thakur, Advocte

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 24-01-2025 Heard Mr. Ravindra Kumar, learned Advocate for the

petitioner and Mr. Ram Priya Sharan Singh, learned APP for the

State. The informant is represented through Mr. Ritwik Thakur,

learned Advocate.

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.

3. Based upon the written report, the prosecution
alleges that on the fateful day, when 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 bullet injuries and later on the same proved fatal.

4. Learned Advocate for the petitioner contended that the alleged occurrence took place on 26.06.2024, at about 12 'o' clock, but surprisingly, the First Information Report has been instituted on 27.06.2024, based upon a typed written report, which clearly suggests the deliberation on the part of the informant. The political rivalry is one of the reason to implicate the name of the petitioner in the instant case. The persons, who were at the place of occurrence, have not disclosed the name of the petitioner and for the first time his name has been surfaced on the confessional statement of co-accused Ramesh Mahto. Save and except the confessional statement of co-accused, there is no material suggesting the complicity of the petitioner in the crime. The petitioner undertakes that he will fully cooperate in the investigation in order to come to a definite conclusion with regard to his complicity. The petitioner has also pointed out the irregularities, as has been conducted during the course of search and seizure. With regard to the criminal antecedent of the petitioner, as has been disclosed in paragraph no. 3 of the petition, submission has been made that these all are the offshoot of the political rivalry.



5. On the other hand, learned APP for the State and the informant oppose the bail application and submit that the petitioner is said to be the one of the main conspirator, which fact has come in the confessional statement of co-accused. Moreover, the petitioner has been evading from due process of law, resulting into issuance of process under Sections 82/83 of the Cr.P.C. It is lastly contended that the petitioner bears eight criminal antecedent and, as such, in any view of the matter he does not deserve privilege of anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the process under Sections 82/83 has already been issued, coupled with the criminal antecedent and the materials available on record, this Court is not acceded to the prayer for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner stands rejected.

(Harish Kumar, J)

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