

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68663 of 2025

Arising Out of PS. Case No.-174 Year-2024 Thana- DHANAHA District- West Champaran

Dipu Kumar Chaubey S/o Anand Chaubey R/o Village- Khairawa Tola, P.S.-
Bhitaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lalan Kumar (APP125)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-11-2025 Learned counsel for the petitioner is permitted to make necessary correction in prayer portion of the instant petition filed on behalf of the petitioner, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Sessions Trial No. 375 of 2025 arising out of Dhanaha P.S. Case No. 174 of 2024 registered for the offences punishable under Sections 103(1), 3(5) of the BNS and Section 27 of the Arms Act.

4. As per prosecution case, informant's husband is said to have been killed by some unknown miscreants in the barber shop. Hence, FIR was lodged against unknown.



5. Learned counsel for the petitioner submits that prayer for bail of the petitioner has already been rejected vide Cr. Misc. No. 81022 of 2024 with an observation that petitioner is at liberty to renew his prayer for bail after framing of charge. He further submits that charges have been framed against the petitioner, as evident from Annexure P/3. He further submits that name of the petitioner has been transpired in this case upon the confessional statement of co-accused Vivek Singh. Except confessional statement of the said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that on similar and identical allegation co-accused Makhan Yadav @ Rajshekhar Yadav and Vikash Singh @ Vivek Singh have already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 26448 of 2025 and 28018 of 2025 respectively and on the principle of parity, petitioner also deserves bail. Petitioner is in custody since 30.08.2024 and he bears criminal antecedent of one case.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that name of the petitioner has been transpired in this case upon the confessional statement of co-accused Vivek Singh. Hence, petitioner cannot



escape from the allegation made in FIR.

7. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail by the Co-ordinate Bench of this Court, charges have been framed against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. IIIrd, Bagaha, West Champaran in connection with Sessions Trial No. 375 of 2025 arising out of Dhanha P.S. Case No. 174 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Alok Kumar Pandey, J)

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