

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70537 of 2024**

Arising Out of PS. Case No.-1513 Year-2022 Thana- WEST CHAMPARAN COMPLAINT  
District- West Champaran

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Shiv Kant Dubey @ Shiva Kant Dubey Son of Late Pancha Dubey Resident  
of Village - Jabdaul, P.S.- Chanpatia, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi Wife of Late Ashok Dubey Resident of Village - Jabdaul, P.S.-  
Chanpatia, District - West Champaran.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr. Sanjeev Kumar, Advocate      |
|                          | : | Mr. Sitesh Kashyap, Advocate     |
| For the Opposite Party/s | : | Ms. Sharda Kumari, APP           |
| For the Informant        | : | Mr. Sharad Kumar Verma, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      07-11-2025                      Heard Mr. Sanjeev Kumar, learned counsel for the  
  
petitioner, Mr. Sharad Kumar Verma, learned counsel appearing  
  
on behalf of the Informant as well as Ms. Sharda Kumari,  
  
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Complaint Case No. 1513 of 2022 arising out  
of Chanpatia P.S. Case No. 83 of 2017, F.I.R. dated 05.03.2017  
for the offences punishable under Sections 302 and 328 of  
Indian Penal Code.

3. As per the First Information Report, the informant  
received information that his brother-in-law(now, deceased) was



lying at Tirhutia Tola Chowk. Upon this, the informant along with his wife went to the place of occurrence and saw his brother-in-law lying there. Thereafter, a tempo was brought and the deceased was taken to MJK hospital. In the mid-way the deceased stated that one Ramayan Paswan had administered him a drink and thereafter he became unconscious. Later on, the doctor declared him dead.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. The police after investigation submitted final form in favour of the petitioner along with other co-accused persons. The informant filed a protest petition under Section 192 Cr.P.C and on that basis the learned Court below had taken cognizance against the petitioner and other co-accused persons on 11.10.2023. He further submits that other co-accused persons against whom learned Court below had taken cognizance have been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court vide order dated 24.09.2024 in Cr. Misc. No. 63661 of 2024.

5. The learned Additional Public Prosecutor as well as learned counsel for the Informant have vehemently opposed the



prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and similarly situated co-accused persons have been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-I, Bettiah, West Champaran in connection with Complaint Case No. 1513 of 2022 arising out of Chanpatia P.S. Case No. 83 of 2017, 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. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond 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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