

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84430 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- DAWATH District- Rohtas

Vikarma Dubey @ Bikarama Dubey Son of Mohan Dubey Resident of
Village - Yogni, P.S. - Dawath, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Adv.
For the Opposite Party/s	:	Mr. J ai Narain Thakur, APP
For the Informant	:	Mr. Ramesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 27-02-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with
Dawath P.S. Case No. 229 of 2024 instituted for the offences
under Section 103(1) of the Bhartiya Nyaya Sanhita.

3. As per prosecution case, the accusation against
the petitioner is of assaulting the Informant's father due to
which he sustained grievous injury on vital parts of his body
and he died in course of his treatment.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case with false and frivolous allegations and due



to dirty village politics. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that the date of occurrence was 09.07.2024 but, the F.I.R. was lodged on 11.07.2024 i.e. after two days of the occurrence and the same was reached to the learned Magistrate on 12.07.2024 which creates doubt in the prosecution case. He further submits that as a matter of fact, the alleged death did not take place due to the alleged occurrence and the injury sustained by the victim rather he has died due to fall as also due to negligence in the treatment. There is no eye-witness to the alleged occurrence. The petitioner has one criminal antecedent and is languishing in judicial custody since 12.08.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that there is specific and direct allegation against the petitioner of assaulting the Informant's father who



succumbed to his injuries in course of treatment. He further submits that the Informant in his re-statement and several witnesses have supported the prosecution case. The postmortem report supports the prosecution case. The I.O. has submitted the charge-sheet against the petitioner under Section 103(1) of the Bhartiya Nyaya Sanhita, 2023. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dawath P.S. Case No. 229 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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