

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89777 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- SATHI District- West Champaran

Hari Prakash Dubey @ Niraj Dubey @ Hari Prasad Dubey Son of Rajdeo
Dubey Resident of Village- Somgarh, PS- Sathi, Distt.- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava,Adv.
For the Opposite Party/s : Mr.Rita Verma, A.P.P.
Mr. Manish Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sathi P.S. Case No. 148 of 2024, registered for the offences under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109 & 103(2) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, the petitioner and other co-accused persons started damaging the tiles of the house of the informant and when opposed, at the instigation of the co-accused Nirmala Devi, informant was assaulted by another co-accused Ankit Kumar Dubey, who fell down and thereafter, the petitioner and co-accused Ankit Kumar Dubey caught hold of the hands of the father of the informant who came for the rescue of the informant and co-accused Milan Dubey struck on the chest of the father of the informant with iron rod causing his instant death.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation of assault against the petitioner. Only allegation against the petitioner is that of catching hold of the hands of the father of the informant alongwith co-accused Ankit Kumar Dubey. The specific allegation of assault on father of the informant is against co-accused Milan Dubey. The petitioner and informant side are agnates and there is land dispute between the two sides. Co-accused Nirmala Devi has been granted bail by this Court vide order dated 04.12.2024 passed in Cr. Miscellaneous No. 82546 of 2024. The petitioner is in custody since 26.10.2024 and charge sheet has been submitted against the petitioner and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State as well as learned counsel for the informant opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that as the petitioner and co-accused caught hold of the deceased it became convenient for the co-accused to freely hit him causing his death.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that there is no specific allegation against the petitioner for assaulting either the informant or his father and considering his



clean antecedent and submission of charge sheet against the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran/concerned court, in connection with Sathi P.S. Case No. 148 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Anuradha/-

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