

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14344 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- CHANPATIA District- West Champaran

DEEPAK KUMAR @ DEEPAK DAS Son of Sri Ashok Das Resident of
Village - Gopalpur, P.S. - Gopalpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376-DA and 34 of the Indian Penal Code, Section 81 of the Juvenile Justice (Care and Protection of Children) Act (JJ Act) and Section 67-A and 67-B of the Information Technology Act (I.T. Act).

Learned counsel for the petitioner submits that the petitioner is a young man of 25 years of age and is not named in the FIR and thus is better placed than Anil Mahto and Rahul Mahto, who were named accused in the FIR and were granted anticipatory bail by order dated 20.07.2022 in Cr. Misc. No. 50946 of 2021 and 20.07.2022 in Cr. Misc. No. 57661 of 2021. The learned counsel next submits that accused Dheeraj Mahto,



who is named in the FIR, was initially granted provisional bail by order dated 10.02.2022 in Cr. Misc. No. 44833 of 2021 and the Superintendent of Police, West Champaran, Bettiah along with the Investigating Officer of the case was directed to be virtually present in the said case on 14.02.2022, thereafter the matter was taken on 14.02.2022, wherein after hearing the Superintendent of Police, West Champaran, Bettiah, the Court relied on his submission as he had submitted that after viewing the video footage handed over by the informant and after going through the case records threadbare it appears that the charge-sheet against Dheeraj Mahto was filed in haste and thus he will take steps in accordance with law to ensure that no innocent is falsely implicated and guilty not spared. Accordingly, the Superintendent of Police, West Champaran had prayed before the Court that he will make further investigation in this case. Thereafter the case was directed to be listed on 31.03.2022, it is submitted that when the matter was taken up on 31.03.2022, the learned APP for the State submitted that an inquiry was conducted and it came to the notice of the Superintendent of Police, West Champaran, Bettiah that some dereliction of duty was committed by the then Investigating Officer, who has been departmentally proceeded and as such the provisional bail



granted to Dheeraj Mahto was confirmed by order dated 31.03.2022.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Learned counsel for the petitioner submits that since petitioner is better placed than Dheeraj Mahto hence its case should also be considered. After going through the records it is clear that the present petitioner is not named in the FIR hence keeping in view the order dated 10.02.2022, 14.02.2022 and 31.03.2022 in Cr. Misc. No. 44833 of 2021 and the order dated 20.07.2022 in Cr. Misc. No. 57661 of 2021, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chanpatia P.S. Case No. 309 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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