

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.102 of 2022

Arising Out of PS. Case No.-330 Year-2020 Thana- JAYNAGAR District- Madhubani

Deepak Thakur @ Deepak Kumar Thakur, Son Of Vimal Thakur Resident Of
Village - Bhulari Tola, Ward No.7, P.S.- Jainagar, Dsitt.- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Patna. Bihar
2. The Superintendent of Police, Madhubani.
3. The Deputy Superintendent of Police, Jainagar, Distt.- Madhubani.
4. The Inspcetor of Police, Jainagar, Distt.- Madhubani.
5. The S.H.O., P.s.- Jainagar, Dsitt.- Madhubani.
6. The Investigating Officer, P.s.- jainagar, Distt.- Madhubani.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Respondent/s : Ms.Divya Verma,AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-10-2022

Learned counsel for the petitioner shall remove all the defects as pointed out by the Stamp Reporter within three weeks from today.

Heard learned counsel for the petitioner and learned counsel for the State.

At this stage, the petitioner is aggrieved by the fact that despite rejection of the prayer for privilege of anticipatory bail by this Court to some of the accused, later on they have been granted bail by police after taking a view that no sufficient materials are present to proceed against the accused under Section 307 IPC. The grievance of the petitioner is that once the prayer for anticipatory bail of such accused were rejected by this Court, the Investigating Agency could not have granted bail and in any case removal of Section 307 IPC is wholly unjust and has been done in favour of two accused



whose fathers are posted as chaukidars in the concerned police station.

So far as the grievance of the petitioner that it is a case in which favour has been done to the two accused persons because of their reach to the I.O. through their fathers, this Court directs the Superintendent of Police, Madhubani (respondent no. 2) to look into the grievance of the petitioner and take a view thereon within a period of two months from the date of receipt/communication of this order. If the grievance of the petitioner is found to be correct, appropriate measures shall be taken in accordance with law against the erring officials.

Since the chargesheet has already been submitted in this case and the Court has been informed that the case is at the stage of appearance in the learned court below, at this stage instead of further proceeding with this case, this Court would leave it open for the petitioner to take his plea as to applicability of Section 307 I.P.C. at the time of framing of charge, if the materials so suggest.

This application stands disposed of accordingly.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

