

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50946 of 2021

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

ANIL MAHTO @ ANIL KUMAR Son of Late Dalal Mahto Resident of
Sabeya Khurd, P.S. - Sirisiya O.P., Chanpatia, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-07-2022 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(D) (A) and 34 of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act, Section 81 of the J.J.B. Act and Section 67 of the I.T. Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a young boy aged about 20 years and is similarly situated like co-accused Dheeraj Mahto who 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 up on 14.02.2022 wherein after hearing the Superintendent of Police West Champaran, Bettiah, the Court relied on his submissions as he had submitted after viewing the video footage handed over by the informant and after going through the case records threadbare that it appeared 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 A.P.P. 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 as such the provisional bail granted to Dheeraj Mahto was confirmed by order dated 31.03.2022.

Learned counsel for the petitioner submits that since the petitioner is similarly/identically situated like Dheeraj



Mahto hence his case should also be considered.

After going through the records, it is clear that the present petitioner is also similarly situated like Dheeraj Mahto hence keeping in view the orders dated 10.02.2022, 14.02.2022 and 31.03.2022 in Cr. Misc. No. 44833 of 2021, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chanpatiya (Sirisiya O.P.) 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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