

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55402 of 2023

Arising Out of PS. Case No.-364 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Deepak Kumar Son Of Anil Kumar Resident Of Village Basar, Po Haraj
Keshopur, Block Mohra, PS- Atri, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard Mr. Praveen Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Anil Kumar Singh

No. 1, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Motihari Town P.S. Case No. 364 of 2023, registered for
the offences punishable under Sections 420 and 188/34 of the
Indian Penal Code and Section 66(D) of the Information
Technology Act.

3. Allegedly during examination for the post of
Constable, the petitioner was apprehended with an electronic
device resulting into lodging of the FIR.

4. Learned counsel appearing on behalf of the
petitioner submits that from the FIR it is evident that the



petitioner was apprehended at about 9:00 am on 14.05.2023 the date on which the examination was fixed but it would be pertinent to mention that the examination was to be started on 10:00 am. He next submits that even as per the FIR as well as the seizure list it has not been disclosed as to what kind of device was recovered from the possession of the petitioner and it is also the fact that the petitioner was not apprehended during examination. He further submits that even if the allegation is taken to be true, no offence much less under Section 420 of the Indian Penal Code and Section 66(D) of the Information Technology Act is applicable. He next submits that the petitioner is a student having fair antecedent and sending him behind bars would obviously jeopardize his entire career.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was apprehended an hour before the examination and kind of the device has not been disclosed, coupled with the fact that the petitioner is a student having fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks



from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari or the successor court of ACJM 1st or any subsequent Successor Court, in connection with Motihari Town P.S. Case No. 364 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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