

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13174 of 2024

Arising Out of PS. Case No.-497 Year-2023 Thana- KOTWALI District- Munger

=====

Dipesh Kumar @ Deepesh Kumar son of Late Ramchandra Yadav Village-
Khemkha Ps- Kotwali Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Karuna Nath Sahay

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-03-2024 1. Heard learned senior counsel for the petitioner Mr. Yogesh Chandra Verma and learned A.P.P. for the State Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code & Section 27 of the Arms Act.
3. Learned senior counsel for the petitioner submits that the petitioner has antecedent of five cases and the informant alleges that her son was killed by unknown criminal. It is next submitted that the F.I.R. was against unknown and the petitioner came to be implicated based on confessional statement of co-accused in police custody, which does not have any evidentiary value. It is further submitted that Rahul Kumar, in whose confessional, the name of the petitioner transpired has been



granted the privilege of regular bail by a learned co-ordinate Bench of this court by an order dated 20.02.2024 in Cr. Misc. No.9604/2024. It is thus submitted that if the person on whose confession, the name of the petitioner transpired, has been granted the privilege of regular bail, no useful purpose would be served by sending the petitioner to jail. It is next submitted that no doubt the petitioner has antecedent of five cases but then in the last seven years not a single case has been instituted against him.

4. Learned A.P.P. for the State Mr. Chandra Bhushan Prasad vehemently rebuts the submission made by the learned senior counsel appearing on behalf of the petitioner and submits that Rahul Kumar has been granted the privilege of regular bail and the petitioner is seeking anticipatory bail. It is further submitted that petitioner has antecedents even and in the event if the petitioner is granted the privilege of anticipatory bail in that even he may tamper with the evidences and may threaten the witnesses. On which the learned senior counsel for the petitioner submits that the petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating officer during the course of investigation for arriving at the truth.



5. Considering the submissions made by the learned Senior counsel for the petitioner, 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.25,000/- (Rupees Twenty 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 Kotwali P.S. Case No.497/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Further, one of the bailors of the petitioner shall be his cousin brother Suraj Kumar.

7. It is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall forthwith cancel the bail bonds of the petitioner after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars. It is further made clear that in the event if after investigation charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its



effect.

8. Let a copy of this order be sent to the
Superintendent of Police, Munger.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

