

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50871 of 2024

Arising Out of PS. Case No.-321 Year-2021 Thana- DANAPUR District- Patna

Deepak Kumar Gupta @ Deepak Kumar @ Deepak Gupta S/O Jai Ram Prasad R/O Jagdeo Path Bailey Road, Jagmano Shree Apartment, P.S- Hawai Adda, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304(B) and 120(B) of the Indian Penal Code.

3. The Investigating Officer of the case in compliance of the order dated 09.09.2024 is present in the Court.

4. The Investigating Officer submits that no doubt the case diary was called by the learned Additional Sessions Judge-III, Danapur and the same could not be sent but then he was not the Investigating Officer of the case at that point of time. It is further submitted that the then Investigating Officer of the case presently is posted at Darbhanga.

5. Learned A.P.P. for the State submits that the City Superintendent of Police (West), Patna vide his memo no. 4935



dated 11.09.2024 has already sought an explanation from the erring official, namely, Ranjeet Sharma i.e. the then Investigating Officer of the case with regard to the dereliction of duty committed by him in not sending the case diary along with the injury report in time. The said letter has been communicated to the erring official through the Senior Superintendent of Police, Darbhanga.

6. The Court expects that the City Superintendent of Police (West), Patna shall take the case to its logical conclusion.

7. The informant alleges that her daughter was married to the petitioner in the year 2008 and after marriage, the accused persons including the petitioner started demanding dowry and on non-fulfillment of the same, she was tortured. It is further alleged that the victim gave birth to two children, but still the torture continued as they used to pressurize her to bring Rs.10 lakhs. It is next alleged that on 23.04.2021, at about 02:00 a.m., the accused persons killed her daughter and, accordingly, the FIR was instituted.

8. Learned counsel for the petitioner submits that petitioner, being the husband of the deceased, has been falsely implicated in the instant case by the informant. It is further submitted that the marriage was more than 12 years old and, out of the wedlock, two children were born and in these twelve years, no



case ever came to be instituted either at the instance of the informant or the deceased alleging torture, but then it is submitted that the informant based on suspicion instituted the instant case. It is next submitted that had the petitioner been involved in killing of the deceased, in that event, effort would have been made to conceal the evidence by disposing off the dead body but then petitioner and his family members were not even aware as to how the victim died, as such, the body was sent for postmortem when it transpired that the deceased did not suffer any external or internal injury, but died on account of poisoning.

9. Learned counsel for the petitioner submits that no doubt, some differences had arisen in between the petitioner and the victim but then petitioner was not even aware that victim out of anger had consumed poison. It is further submitted that even the informant realizing her mistake has filed a compromise before the learned trial court. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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

11. Considering the submissions made by the learned counsel for the petitioner, let 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.10,000/- (Rupees Ten Thousand) 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 Danapur P.S. Case No. 321 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

12. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

13. Let a copy of this order be sent to the City Superintendent of Police (West), Patna and the Senior Superintendent of Police, Darbhanga.

14. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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