

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66324 of 2024

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

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Dipesh Kumar Son of Late Ramchandra Yadav @ Ramchandra Prasad R/O
Mohalla- Kemkha, P.S.- Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karuna Sahay, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 04-04-2025 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 connection with Kotwali P.S. Case No.497/2023, registered for the offences punishable under Sections 302/34 of the Indian Penal Code & Section 27 of the Arms Act.
3. The Superintendent of Police, Munger along with the SHO and I.O. of the case, in compliance of the order dated 28.03.2025, are present in the Court.
4. Learned Senior counsel for the petitioner submits that petitioner had earlier moved this Court seeking anticipatory bail by filing Cr. Misc. No.13174/2024 and the same was allowed by an order dated 18.03.2024, based on the submission



made by the learned counsel appearing in Cr. Misc. No.13174/2024 that 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 in order to establish his innocence. The learned Senior counsel next submits that thereafter charge sheet came to be submitted, as such, the instant second anticipatory bail application was filed seeking anticipatory bail on the ground that during the course of investigation nothing came which could even remotely connect the petitioner with the offence.

5. Learned A.P.P. Mr. Chandra Bhushan Prasad submits that this case was taken up on 17.03.2025 and the case was directed to be listed on 28.03.2025 and the S.H.O. along with the Investigating Officer of the case were directed to remain physically present before this Court at 3.30 P.M. It is further submitted that on 28.03.2025, the S.H.O. and the I.O. of the case, in compliance of the order dated 17.03.2025 were present in the Court and they submitted that in the CCTV footage of the occurrence, faint picture of the petitioner is present. It was further submitted that witnesses have identified the petitioner, as assailant of the deceased but then none of the witnesses are willing to disclose the name of the petitioner, as



they feared that they may be killed by the petitioner, if he comes to know that evidence against him has been given. The learned APP further submits that a query was made by the Court from the SHO and the I.O of the case that whether they were able to identify the petitioner from the CCTV footage or not, on which, it was submitted that petitioner during the course of investigation never presented himself. It is next submitted that since by order dated 18.03.2024 in Cr. Misc. No.13174/2024, one of the considerations for granting the privilege of anticipatory bail to the petitioner was that he would co-operate in the investigation but then in view of the submissions made by the S.H.O. and the I.O. of the case on 28.03.2025, that the petitioner never presented himself during the course of investigation as such the Court directed the Superintendent of Police, Munger along with the S.H.O. and the I.O. of the case to remain physically present on 04.04.2025, for the reason that the order dated 18.03.2024 in Cr. Misc. No.13174/2024 was directed to be communicated to the Superintendent of Police, Munger, as such, it was in the knowledge of the Superintendent of Police that this petitioner had given an undertaking before this Court that he will co-operate in the investigation but then he did not co-operate and the S.H.O. and the I.O. of the case could



not file any application before the learned trial court, seeking cancellation of his bail bonds, on the ground that petitioner is not co-operating in the investigation, as they were not aware of the order dated 18.03.2024 in Cr. Misc. No.13174/2024.

6. Today, the Superintendent of Police, Munger, who is present in the Court submits that from the CCTV footage, the petitioner has been identified as the assailant. It is also submitted that the earlier S.H.O.-cum-I.O. was in hand in glove with the petitioner and was trying to help him, as such, he has been show-caused, and thereafter, departmental proceeding shall be initiated against the earlier S.H.O.-cum-I.O. The Superintendent of Police fairly submits that it appears that the earlier SHO-cum-I.O. of the case was helping the accused.

5. After hearing the learned APP and the Superintendent of Police, Munger, it becomes clear that during the course of investigation, the petitioner has been connected with the offence of being the assailant of the deceased, as such, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

6. The anticipatory bail of the petitioner is rejected.

7. The personal appearance of the Superintendent of Police, Munger along with the SHO and the I.O. of the case is



dispensed with.

8. The Court expects that the Superintendent of Police, Munger will take up the follow up action against the then SHO-cum-I.O. of the case.

(Satyavrat Verma, J)

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