

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2178 of 2017

Arising Out of PS. Case No.-270 Year-2014 Thana- PIPRA District- East Champaran

Bhola Prasad Son of Jaleshwar Bhagat Resident of Village - Khairimal, Police
Station - Pipra, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 31-10-2018 Heard learned counsels for the petitioner and the
State.

The petitioner has renewed the prayer for anticipatory bail in a case registered for offences punishable under Sections 147, 148, 149, 307, 323, 330, 341, 353, 386, 387, 467 and 120B of the I.P.C. The prayer has been renewed on the ground that subsequent to disposal of the bail application, the petitioner was not arrested since he was given notice under Section 41A of the Cr. P. C.

It is alleged by the informant, being B.D.O., Chakia that the accused persons robbed him and also assaulted him and it is further alleged that the petitioner tried to strangle him with a towel around the neck of the informant.

Considering the nature of injury, earlier bail application of the petitioner was disposed of by this Court vide



order dated 09.07.2015, passed in Criminal Miscellaneous No. 23757 of 2015. But the prayer has been renewed on the ground that subsequent to disposal of the bail application, the petitioner was given notice under Section 41A of the Cr. P.C. by the investigating agency.

Since this Court has already held that if a person is given notice under Section 41A of the Cr. P.C., by the investigating agency and he confines with the notice, it cannot be treated as police bail, hence, anticipatory bail application is maintainable.

However, since the earlier bail application was disposed of considering the merits of the accusation, this Court is not inclined to interfere, but keeping in view the nature of accusation, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned Court below within a period of four weeks in connection with Pipra P.S. Case No. 270 of 2014, pending before the learned Judicial Magistrate, 1st Class, Motihari, East Champaran.

(Dinesh Kumar Singh, J)

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