

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4016 of 2021**

Arising Out of PS. Case No.-147 Year-2018 Thana- SATHI District- West Champaran

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Dhananjay Tiwari, aged about 45 years, male, Son of Awadh Kishore Tiwari,  
Resident of Village - Basantpur, Chhardwali Tiwari Tola, P.S. - Sathi, Distt. -  
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2      10-12-2021                      Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his  
arrest in connection with Sathi P.S. Case No. 147 of 2018,  
dated 06.09.2018, instituted for the offences under Sections  
144, 341, 342, 323, 353, 427, 504 and 506 of the Indian  
Penal Code.

The petitioner is named in the F.I.R. with the



allegation that he along with 25 to 30 persons ransacked the power sub-station and held one Ramesh Kumar captive.

The learned counsel for the petitioner has submitted that aforesaid Ramesh Kumar has stated before the investigating officer that the petitioner was not there along with the miscreants.

However, in paragraph 12 of the bail application, it has been stated that the petitioner was asked to execute a bond under Section 41A of the Cr.P.C.

In that view of the matter, I am not inclined to exercise my discretion for grant of anticipatory bail to the petitioner as he was noticed under Section 41A of the Cr.P.C.

This application is disposed off with the direction that in case the petitioner surrenders before the Court below and seeks bail, apart from the merits of the case, the Court below shall also consider that the petitioner has not done anything which would take away the benefit of no arrest which was given to him by the police all this while and shall pass order in accordance with law, without being prejudiced



by the fact that the present anticipatory bail application has  
not been entertained by this Court.

**(Ashutosh Kumar, J)**

Praveen-II/-

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