

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7223 of 2024

Arising Out of PS. Case No.-696 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. PAPPU THAKUR SON OF CHANDRA SHEKHAR THAKUR @ BAGAR THAKUR R/O-BIJULPUR, P.S.-TURKAULIYA, DISTT.-EAST CHAMPARAN
 2. RAJ KISHOR THAKUR SONOF CHANDRA SHEKHAR THAKUR @ BAGAR THAKUR R/O-BIJULPUR, P.S.-TURKAULIYA, DISTT.-EAST CHAMPARAN
 3. VINOD THAKUR SON OF CHANDRA SHEKHAR THAKUR @ BAGAR THAKUR R/O-BIJULPUR, P.S.-TURKAULIYA, DISTT.-EAST CHAMPARAN
 4. SURESH PASWAN SON OF WAKIL PASWAN R/O-BIJULPUR, P.S.-TURKAULIYA, DISTT.-EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar
For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-02-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. The petitioners, being aggrieved by the order, dated 06.11.2023, passed by learned Sessions Judge, East Champaran, Motihari, in A.B.P. No. 5350 of 2023, have filed the present anticipatory bail application challenging the same that the bail application of the petitioners has been rejected holding that the petitioners have got no apprehension of arrest inasmuch as the police has given



privilege of Section 41-A of the Code of Criminal Procedure during the course of investigation.

3. Learned counsel for the petitioners submits that it is correct that the petitioners were given the privilege of Section 41-A of the Code of Criminal Procedure and the petitioners cooperated during the course of investigation and were not arrested after the submission of charge-sheet by the police.
4. The cognizance has not yet been taken, but apprehension of the petitioners that after cognizance if the petitioners appear before Trial Court they may be taken into custody.
5. Having heard learned counsel for the parties and taking into consideration the fact that the petitioners were all along given benefit of Section 41-A of the Code of Criminal Procedure and they cooperated during the course of investigation, as such, after cognizance, if the petitioners appear before Trial Court, the Trial Court while considering the bail application, shall take into account the fact that the petitioners were given the privilege of Section 41-A of the Code of Criminal Procedure and they cooperated with the police in the investigation of the case.



6. With the aforesaid observation and direction, this application is, accordingly, disposed.

(Anil Kumar Sinha, J)

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