

Arising Out of PS. Case No.-343 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Sabal Kumar Jha
For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-09-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 324, 325, 308, 354B, 379, 504 and 506 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the offences for which the instant FIR has been instituted carries



punishment of seven years and less, but then, fairly submits that police during the course of investigation gave the benefit of Section 41(A) of the Cr.P.C. to the petitioners, but then, after investigation, charge-sheet came to be submitted based on which cognizance was taken and thus, the petitioners apprehend their arrest. It is further submitted that after the petitioners received the notice under Section 41(A) of the Cr.P.C., they cooperated in the investigation and the police never felt the need of arresting them or else endeavours would have been made to arrest in accordance with the procedure prescribed even after issuance of notice under Section 41(A) of the Cr.P.C. It is thus submitted that when police never felt the need of arresting the petitioners whether it would be prudent for this Court to send the petitioners to jail based on an order of cognizance, which came to be taken based on the same investigation based on which the police never felt the need of arresting the petitioners.

4. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail



on their furnishing bail-bonds in the sum of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned J.M., 1st Class,
Biroul at Darbhanga in connection with Kusheshwar Asthan P.
S. Case No.343 of 2023, subject to the conditions laid down
under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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