

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53631 of 2024

Arising Out of PS. Case No.-415 Year-2020 Thana- CHAPRA TOWN District- Saran

Jitu Giri @ Arbind Giri, S/o- Upendra Giri, R/O Mohalla - Imamganj Arya
Nagar Giri Tola, P.S.- Chapra Town, Distt – Saran Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 20-09-2024 1. Heard Mr. Shekhar Harshvardhan, learned counsel
for the petitioner and Mr. Lalan Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Chapra P.S. Case No. 415 of 2020 dated 06.08.2020
registered for the offences punishable under Sections 448, 384,
504 and 506 read with Section 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that all
the allegations levelled in the FIR are totally false, the informant
is habitual in filing the cases against the petitioner and two cases
have been lodged against the petitioner on behalf of the
informant's side and the prosecution story narrated in the FIR has
been falsified in view of the statement recorded by one namely Jai
Shankar Singh who said that he went along with the informant's
mother to see her house for the purpose of purchasing but he
denied any incident having taken place at that time.

4. On the other hand, learned APP for the State has



submitted that the informant has supported the allegations of the FIR in his re-statement and some other witnesses whose statements are mentioned in Paragraph No. 7 and 8 of the case diary also supported the allegations. Learned APP further submits that the petitioner has been given a benefit under the provisions of Section 41(A) of Cr.P.C. as per the paragraph No. 55 of the case diary, so, in the present time, he has no any apprehension of his arrest and his prayer for anticipatory bail is not maintainable.

5. Considering the submissions made by learned APP, particularly, the relief having been granted to the petitioner under the provisions of Section 41(A) of Cr.P.C., I find the instant petition to be not maintainable as in the present time, the petitioner has no apprehension of his arrest, so, his petition is rejected with a direction to him to surrender before the trial court within two weeks from the date of this order, if he surrenders within the said period then the learned trial court shall decide his regular bail prayer on the same day keeping in view the fact that he has been given the benefit under the provisions of Section 41(A) of Cr.P.C.

(Shailendra Singh, J)

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