

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55752 of 2024

Arising Out of PS. Case No.-637 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

Md. Arzoo, Son Of Asraf Ali @ Chand Tailor, R/V-Mohalla- Purani Munsafi,
P.S.- Laheriasarai, Distt.- Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhumala Kumari
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in Laheriasarai P. S. Case No.637 of 2022 registered for the offences punishable under Sections 147, 149, 323, 504, 341, 452, 384, 380/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned APP submits that the offence for which the instant FIR has been instituted, carries punishment of seven years and less, the said submission of the learned APP is not disputed by learned counsel appearing on behalf of the petitioner.



4.The learned counsel for the petitioner next submits that investigation in the case against the petitioner is still continuing, but then, the petitioner has not been granted the benefit of Section 41(A) of the Cr.P.C, on which the learned APP submits that the case be disposed of in terms of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

5.In view of the submission made by the learned APP, the anticipatory bail application is disposed of in terms of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

6.The petitioner would be at liberty to file a representation before the concerned Superintendent of Police and the Investigating Officer of the case, within a period of three weeks from today, with a web copy of the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the state of Bihar); and the concerned Superintendent of Police shall ensure that the Investigating



Officer of the case strictly adheres to the directions contained in the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

7. At this stage, the learned A.P.P. submits that petitioner has antecedent of five cases, on which the learned counsel appearing on behalf of the petitioner submits that Section 41(A) of the Cr.P.C. has nothing to do with antecedent of an accused and the same also does not prohibit the police from arresting, but then, arrest can be made only in the manner prescribed in Section 41(A) of the Cr.P.C.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

