

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58331 of 2024

Arising Out of PS. Case No.-749 Year-2019 Thana- KUDHNI District- Muzaffarpur

Sunil Sahani Son of Late Yogendra Sahani Resident of Village - Kishanpur
Mohani, P.S.- Kudhani, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Ms. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 354(B), 504 and 506 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that petitioner during the course of investigation was given the benefit of Section 41(A) of the Cr.P.C. It is next submitted that Section 41(A) of the Cr.P.C. does not by any stretch of imagination be construed that petitioner was on police bail rather if the police intended to arrest the petitioner, the police could have arrested him but after following due procedure. It is next submitted that after investigation, charge sheet has been



submitted and cognizance came to be taken under sections 147, 149, 323, 308, 354, 504, 506 and 34 of the Indian Penal Code. It is next submitted that no useful purpose would be served by sending the petitioner to jail, when police during the course of investigation, never felt the need of arresting the petitioner. It is also submitted that the petitioner will not abscond rather will co-operate in the trial.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kudhani P.S. Case No.749/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be at liberty to



cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

amit/-

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

