

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56018 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- MAHILA P.S. District- Sitamarhi

1. Chandeshwar Sah @ Chandeshwar Mahto Son of Mahraj Mahto R/O Vill.- Hariharpur, Post.- Kumhra Bishunpur, P.S. - Dumra, Dist.- Sitamarhi.
2. Chandan Kumar Son of Vednarayan Mahto R/O Vill.- Chotahi, Ward No. 15, P.S.- Riga, Dist.- Sitamarhi.
3. Renu Devi Wife of Vednarayan Mahto R/O Vill.- Chotahi, Ward No. 15, P.S.- Riga, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 06-09-2024 1. Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.
2. In compliance of the order dated 05.09.2024, the Superintendent of Police, Sitamarhi and the Investigating Officer of the case are present in the Court.
3. The Superintendent of Police, Sitamarhi submits that he has been informed by the Investigating Officer of the case that despite his best endeavour, the petitioners could not be located, as such, the notice under Section 41(A) of the Cr.P.C. could not be served on them.
4. Learned counsel appearing on behalf of the petitioners submits that it absolutely does not stand to reason that why the petitioners would evade the notice under Section 41(A) of the Cr.P.C. when they know that in pursuance of the notice, the petitioners



cannot be arrested except in accordance with the procedure prescribed.

5. Learned counsel for the petitioners submits that if notice under Section 41(A) of the Cr.P.C. is served on them, the petitioners will accept the same.

6. The Superintendent of Police, Sitamarhi also submits that notice under Section 41(A) of the Cr.P.C. shall be served on the petitioners within a period of one week from today.

7. In view of the submissions made by the Superintendent of Police, Sitamarhi, learned counsel for the petitioners seeks permission to withdraw this application for grant of anticipatory bail with liberty to move again if need arises.

8. Permission is accorded.

9. Accordingly, this application for grant of anticipatory bail on behalf of the petitioners is dismissed as withdrawn in connection with Sitamarhi Mahila P.S. Case No. 24 of 2024 pending in the Court of learned Chief Judicial Magistrate, Sitamarhi/Successor Court.

10. The personal appearance of the Superintendent of Police, Sitamarhi and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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