

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59179 of 2024

Arising Out of PS. Case No.-1132 Year-2022 Thana- SHERGHATI District- Gaya

Somnath Keshari @ Somnatu Keshri @ Somantu Keshri Son of Ramdev
Keshari R/V- Vilalge- Dobhi, P.S.- Sherghati (Dobhi), Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vasant Vikas
For the Opposite Party/s :	Mr.Parmanand Kumar
	Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-09-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The learned counsel for the petitioner submits that petitioner seeks anticipatory bail in connection with Sherghati (Dobhi) P.S. Case No. 1132 of 2022 for the offences punishable under Sections 341, 323, 506 and 384 of the Indian Penal Code.
3. The learned APP submits that the offences for which the instant FIR has been instituted, carries punishment of less than seven years, the said submission of the learned APP is not disputed by learned counsel appearing on behalf of the petitioner and informant.
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 counsel appearing on behalf of the informant submits that petitioner has antecedent of five cases, the said submission of the learned counsel appearing on behalf of the informant is rebutted by learned counsel appearing on behalf of the petitioner and it is submitted that Section 41(A) of the Cr.P.C does not prohibit the police from arresting an accused but then the arrest has to be made in accordance with the mandate of the proviso.

5. Learned APP, thus, submits that since investigation against the petitioner is still continuing, 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).

6. 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).

7. 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).

(Satyavrat Verma, J)

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