

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3731 of 2025

Arising Out of PS. Case No.-32 Year-2023 Thana- JHANJHARPUR District- Madhubani

1. Bhavesh Kumar Singh Son of Late Bindeshwer Singh
2. Sapna Kumari Wife of Bhavesh Kumar Singh
Both are resident of of Village - Belha, P.S. - Phulparas, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-02-2025 Heard learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Jhanjharpur P.S.Case No.32 of 2023 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code .

3. It is submitted by the learned counsel appearing on behalf of the petitioners that the case of the petitioners is covered by the law laid down by the Apex Court in the case of **Bimla Tiwari vs. State of Bihar & Ors.** passed in **SLP (Crl.) Nos. 834-835 of 2023**, however, he informs that the learned district court has incorrectly observed in the impugned order that the investigation is still going on. He informs that from perusal of Annexure '2', it appears that the charge-sheet was



already submitted against the petitioners under Sections 406 & 420/34 of IPC and they seek pre-arrest bail.

4. I find that the learned district court has observed that the investigation is still going on and the petitioners were granted benefit under Section 41(1) of Cr.P.C. whereas the petitioners have brought on record the charge-sheet, which was submitted on 15.06.2023 under Sections 406 and 420/34 of IPC much before the bail application was filed before the learned district court.

5. Considering the aforesaid informations, the learned district court is directed to correct himself and must be cautious before recording any information, which affects the merit of the case.

6. The petitioners appear to have made out *prima facie* a case to be released on pre-arrest bail.

7. Considering the aforesaid facts and circumstances of the case, the the petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM Ist, Jhanjharpur, District



Madhubani/concerned court, in connection with Jhanjharpur P.S.Case No.32 of 2023, subject to conditions as laid down under Section 438(2) of Cr.P.C.

8. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

9. The present bail application is accordingly disposed of.

10. Let a copy of this order be communicated to the learned Principal District & Sessions Judge, Madhubani.

(Purnendu Singh, J)

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