

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32170 of 2025

Arising Out of PS. Case No.-4 Year-2024 Thana- KHAGARIA RPF/POST District- Khagaria

Raja Ram @ Rajesh Poddar @ Raja Kumar Son of Nunulal Poddar Resident
of Village - Nawkothi, Ward No.- 3, P.S.- Nawkothi, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-05-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The petitioner is apprehending arrest in connection
with R.P.F. Khagaria P.S. Case No.04 of 2024, for the offence
punishable under Section 3 of the R.P.(U.P.) Act.

3. Counsel for the petitioner submits that the
petitioner has apprehension that he may be arrested in
connection with R.P.F. Khagaria P.S. Case No.04 of 2024
registered under Section 3 of the R.P.(U.P.) Act.

4. Counsel for the petitioner submits that at the time
of passing order, the Additional Sessions Judge has categorically
acknowledged which states as follows:-

*“Heard both the parties and perused the
case record. From perusal of the case record it is*



apparent that FIR was registered u/s 03 RP(UP) Act. From perusal of record it appears that initially a notice was issued to the present petitioner only on the ground of suspicion giving rise to reasonable apprehension to the present petitioner to seek anticipatory bail. However, detailed investigation as conducted by the Investigating Officer shows that they have discover that the present petitioner was not involved in commission of offence. Rather the original thief has been apprehended and the stolen article have been recovered from his possession. As such no case has been made in the case diary against the present petitioner. As such there is no apprehension of arrest qua the present petitioner. This is not a fit case to allow anticipatory bail. Hence present application is hereby rejected.”

5. It transpires to this Court that section 41(A) of the Cr.P.C. indicates that the notice of appearance before police officer in which it has been indicated in 41(A)(1) that the police officer shall, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made. It is further indicated in section 41(A) (3) that when such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the



police officer is of the opinion that he ought to be arrested.

6. Here in the present case, it has been observed by the Sessions Court that original thief has been apprehended and stolen articles have been recovered from his possession. As such, no case has been made out in the case diary against the present petitioner. Those observations are in favour of the petitioner by the Sessions Court, even then the petitioner is seeking anticipatory bail. In this regard, this Court only observed without interfering in the order passed by the Sessions Court that if the police found that there is a reason with the police to be arrested to the petitioner in the present case, he shall grant 60 days to the petitioner so that he may move before the Court for anticipatory bail.

7. With the aforesaid observations and directions, the present bail application stands dismissed.

(Dr. Anshuman, J.)

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