

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53678 of 2025

Arising Out of PS. Case No.-348 Year-2022 Thana- PHULWARISHARIF District- Patna

Dinesh Rai S/o Sri Sipahi Rai R/o - Bijauli, P.S - Panapur, District - Saran At
present owner of M/S Ganesh Trader, Organix Fertilizer, situated at Rajapatti
Tola, P.S. - Mashrakh, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-08-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Phulwarisharif
P.S. Case No. 348 of 2022 registered for the offences punishable
under Sections 420 and 406 of the Indian Penal Code read with
Section 138 of the N.I. Act.

3. The learned APP, at the outset, submits that the
offences for which the instant FIR has been instituted, carries
punishment of seven years and less. It is next submitted that law is
well settled that in such cases, the police does not arrest
automatically, rather resorts to a procedure as envisaged under
Section 41A of the Cr.P.C. It is further submitted that there is no
pleading in the anticipatory bail application that on what basis the



petitioner is apprehending his arrest when it has been submitted by the learned counsel appearing on behalf of the petitioner that till date no notice under Section 41A of the Cr.P.C has been issued.

4. At this stage, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the anticipatory bail application with liberty to file afresh, if need arises.

5. Permission is accorded.

6. Accordingly, the present anticipatory bail application is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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