

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66572 of 2024

Arising Out of PS. Case No.-463 Year-2019 Thana- BALIYA District- Begusarai

OM PRAKASH JHA S/O BISHESHWAR JHA R/o vill - Sohijan Dih, Amma,
P.S. - Bochahan, Distt. - Muzaffarpur, At present Residing at A.G. 43, Sanjay
Gandhi Transport Nagar, Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. SANJAY THAKUR S/o Lalan Thakur (The then Area Manager, Fino
Finance Pvt. Ltd. Baliya), R/o vill - Rajpur, P.O. and P.S. - Sabour, Distt. -
Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-01-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Baliya P.S.
Case No. 463 of 2019 for the offences punishable under Sections
420, 406 and 34 of the Indian Penal Code.

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, the said submission of the
learned APP is not disputed by learned counsel appearing on
behalf of the petitioner.

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 issued any notice under Section 41(A) of the Cr.P.C, as such, the petitioner was constrained to move before this Court. It is also submitted that Kumar Vijay Srivastav @ Kumar Vijay Srivastava had approached this Court seeking anticipatory bail by filing Cr. Misc No. 59331 of 2021 and the same was allowed by this Court by an order dated 1-12-2021, as such, the petitioner be also granted the same benefit.

5. The learned APP, Shri. Anuj Kumar Srivastava vehemently opposes the said submission and submits that this Court in the case of Naushad Ansari (Criminal Miscellaneous No. 3536 of 2024) has clearly held that an accused, against whom an FIR is instituted which carries punishment of 7 years or less, shall not be automatically arrested rather the notice under Section 41A of the Cr.P.C is to be taken.

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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