

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4395 of 2025

Arising Out of PS. Case No.-763 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Dhananjay Kumar @ Sonu Kumar @ Sonu Ram @ Sanni Ram @
Dhananjay Ram Son of Sri Ram
 2. Sri Ram Son of Ram Ayodhya Ram
 3. Bali Ram Son of Ram Ayodhya Ram
 4. Lalita Devi Wife of Sri Ram
- All are Resident of Village - Baswariya, P.S. - Muffasil (Motihari), District -
Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Ranjan, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP
Mr. Hemant Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel appearing on behalf of the

informant.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 341, 323, 379, 307, 354(A)/34 of the IPC in connection
with Muffasil (Motihari) P.S. Case No.763 of 2022.

3. The learned counsel for the petitioners submit that
petitioners are persons with clean antecedent and during the
course of investigation the petitioners were given the benefit of
Section 41A of the Cr.P.C., but later police submitted charge



sheet based on which cognizance came to be taken, as such the petitioners moved before the learned District court seeking anticipatory bail which came to be rejected by the order impugned in the instant anticipatory bail application.

4. It is further submitted that since during the course of investigation when privilege of section 41A of the Cr.P.C. was given to the petitioners, the police never felt the need of arresting the petitioners, as such no useful purpose would be served by sending the petitioners to jail at this stage. It is also submitted merely because benefit of Section 41A of the Cr.P.C. was given that by no stretch of imagination can be construed to mean that the petitioners were granted the privilege of police bail, rather the police have the power to arrest but then in accordance with law, but since the police during the course of investigation did not arrest the petitioners as such no useful purpose would be served by sending the petitioners to jail.

5. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below



within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari at East Champaran in connection with Muffasil (Motihari) P.S. Case No.763 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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