

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17987 of 2026

Arising Out of PS. Case No.-49 Year-2025 Thana- MADHWAPUR District- Madhubani

1. Ramanand Thakur Son of Ramsogarath Thakur @ Ram Swarth Thakur Resident of Village - Pirokhar, Ps- Madhwapur, Dist- Madhubani
2. Ram Snehi Thakur Son of Ram Sogarath Thakur @ Ram Swarth Thakur Resident of Village - Pirokhar, PS - Madhwapur, Dist- Madhubani
3. Sobha Devi @ Shobna Devi Wife of Ramanand Thakur Resident of Village - Pirokhar, PS - Madhwapur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Rai, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-04-2026 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 115(2), 126(2), 118(1), 352, 351(2), 3(5), 109 and 117(2) of the BNS.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 3 is a woman.
4. Learned counsel appearing on behalf of the petitioners submits that petitioners had earlier moved before this Court seeking anticipatory bail by filing Cr. Misc. No. 58556 of



2025 and the same came to be disposed of by an order dated 15.11.2025 in terms of the order dated 13.02.2024 in Cr. Misc. No. 3536 of 2024 (**Naushad Ansari Vs. The State of Bihar**).

5. At this stage, learned counsel appearing on behalf of the informant submits that no doubt, Cr. Misc. No. 58556 of 2025 was disposed of in terms of the order dated 13.02.2024 in Cr. Misc. No. 3536 of 2024 but then the petitioners in compliance of the order dated 15.11.2025 in Cr. Misc. No. 58556 of 2025 did not approach the concerned Superintendent of Police and the Investigating Officer of the case bringing to their notice that such an order has been passed on which learned counsel appearing on behalf of the petitioners submits that prior to 15.11.2025, charge-sheet against the petitioners was submitted based on which cognizance came to be taken under Section 109 BNS read with other sections of the BNS but then the FIR was instituted under section which carried punishment of seven years and less, as such, Cr. Misc. No. 58556 of 2025 was disposed of in terms of the aforesaid order dated 15.11.2025. It is further submitted that since charge-sheet was submitted and cognizance came to be taken under non-bailable section, hence, the petitioners did not approach the concerned Superintendent of Police and the Investigating Officer of the



case on which learned counsel appearing on behalf of the informant submits that from perusal of the order impugned, it would manifest that petitioners refused to receive notice under Section 35 BNSS as recorded at para 35 of the case diary on which learned counsel appearing on behalf of the petitioners submits that the police mechanically recorded in the case diary that petitioners refused to take notice under Section 35 BNSS but then on query of the Court whether petitioners brought the order dated 15.11.2025 passed in Cr. Misc. No. 58556 of 2025 to the knowledge of the concerned Superintendent of Police and the Investigating Officer of the case or not on which the learned counsel appearing on behalf of the petitioners fairly submits that no representation in terms of the order dated 15.11.2025 was filed. It is next submitted that petitioners prior to order dated 15.11.2025 had received notice under Section 35 BNSS on which learned counsel appearing on behalf of the informant submits that if petitioners had received the notice under Section 35 BNSS prior to order dated 15.11.2025 then why the said fact was not brought to the notice of this Court and if petitioners had received the notice then why the petitioners did not cooperate in the investigation. It is also submitted that order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 was held per



incuriam by judgment dated 16.12.2025 in Cr. Misc. No. 65700 of 2025 (**Mohammad Raja Vs. The State of Bihar & Anr.**) passed by the Hon'ble Division Bench of this Court but then the learned counsel appearing on behalf of the informant fairly submits that order passed by the High Court operates prospectively and not retrospectively, as such, the petitioners ought to have honoured the order dated 15.11.2025 in Cr. Misc. No. 58556 of 2025. Learned counsel for the informant, thus, submits that persons who do not honour the orders of the Court should not be dealt leniently.

6. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners in connection with Madhawpur P.S. Case No. 49 of 2025 pending in the Court of learned Sub-Judge-cum-Judicial Magistrate, 1st Class, Benipatti, Madhubani/Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

