

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29832 of 2026

Arising Out of PS. Case No.-473 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Ajay Kumar Singh, S/o Ram Surat Singh, R/o Village-Bhatpurwa or
Bharpurwa, P.S. - Dinara, Dist. - Rohtas.

... .. Petitioner

Versus

1. The State of Bihar
2. Yogendra Singh, S/o Shree Vishwanath Singh, R/o Village - Kochas, P.O.
and P.S. - Kochas, Dist. - Rohtas.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Babu Nandan Prasad, Advocate
For the State	:	Md. Matloob Rab, APP
For the Complainant	:	Mr. Pramod Kumar Singh, Advocate Mr. Shashikant, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-07-2026 Heard the parties.

2. The accused/petitioner is named in the complaint
and apprehending his arrest in connection with Complaint Case
No.473 of 2023 in which cognizance has been taken for the
offences punishable under Sections 406 and 420 of the Indian
Penal Code.

3. It is a private complaint arising out of land dispute,
where summon was issued by the Court.

4. Considering the legal ratio of Hon'ble Supreme
Court as available through **Om Prakash Chhawnika @ Om
Prakash Chabnika vs. State of Jharkhand and Another**



[2026 SCC OnLine SC 676], as police has no power to arrest in the case of private complaint subject to exception of Section 87 of the CrPC, accordingly, the prayer of anticipatory bail as preferred by the petitioner stands rejected, being not maintainable in want of apprehension of arrest.

5. However, if petitioner surrenders before the learned trial court, his prayer of bail be decided in accordance with observation made by Hon’ble Supreme Court in **Om Prakash Chhawnika @ Om Prakash Chabnika’s case** (supra).

(Chandra Shekhar Jha, J.)

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