

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39965 of 2026

Arising Out of PS. Case No.-242 Year-2024 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Vinod Sahu @ Binod Sahu S/O Ram Sewak SAhu Resident of Village-
Bhalpatti, Ward No.7, P.S.- Bhalpatti, Dist- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Premlal Mandal S/O Harishchandra Mandal R/O Ward Member-6, Gram Panchayat, Bhalpatti, P.S.- Sadar (Bhalpatti O.P.), Distt.- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saurav Anand
For the Opposite Party/s : Mr.Dilip Kumar No. 1
Mr. Arvind Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-07-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 409,
418, 420, 467, 468, 471, 120B of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the complainant
alleges that petitioner being Mukhiya along with ex-Panchayat
Secretary and Junior Engineer have embezzled an amount of Rs.
9,25,000/- in respect of scheme as detailed in the FIR.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case at the



instance of complainant, who is his political opponent. It is next submitted that if what has been alleged in the complaint case is true, in that event the complainant ought to have first approached the district authorities bringing to their notice that the schemes as detailed in the FIR for which the amount was disbursed, have not been completed and the accused persons including the petitioner have embezzled the amount so that the matter could have been inquired and verified and an FIR could have been instituted by the authorities, but instead of approaching the authorities, the complainant instituted a complaint case based on which cognizance came to be taken. It is also submitted that if privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the complainant opposes the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that complainant before instituting the complaint case did not approach the authorities, but then the learned counsel appearing on behalf of the complainant submits that by order dated 11-12-2025 process under Section 82 Cr.P.C.



has been issued. It is further submitted by learned counsel appearing on behalf of the complainant that process under Section 82 Cr.P.C has been issued hence the petitioner has approached this Court but then has not disclosed the said fact in the instant anticipatory bail application .

6. Learned counsel for the petitioner submits that petitioner is not aware that process under Section 82 Cr.P.C has been issued against him. It is next submitted that prior to issuing of process under Section 82 Cr.P.C, the petitioner ought to have received summons, bailable warrant and non-bailable warrant, but then petitioner never received any summons in the case.

7. Learned counsel for the petitioner further submits that petitioner be permitted to challenge the order by which non-bailable warrant of arrest and process under Section 82 Cr.P.C has been issued, on which the learned counsel appearing on behalf of the complainant submits that for assailing any order, permission is not required.

8. Learned counsel for the petitioner, at this stage, seeks permission to withdraw the anticipatory bail application with liberty to the petitioner to renew his prayer for anticipatory bail afresh, if need arises.

9. Permission is accorded.



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

(Satyavrat Verma, J)

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