

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73796 of 2025

Arising Out of PS. Case No.-679 Year-2024 Thana- CHAPRA TOWN District- Saran

Vivek Vibhuti Saurabh @ Vivek Saurabh Son of Sanjay Kumar Verma @ R
Srivastava Resident Of Village- C- 304, Satyam Apartment, Plot No.88,
Sector 19, Kharghar, Reliance Fresh Kharghar, Raigarh PS -Kharghar District
-Raigad Maharashtra R/O- (As Alleged in FIR), Mauna Sadha Road, Town
thana, Saran bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shekhar Gupta@Shekhar Suman S/o Harishankar Prasad R/o- Mauna Sada
Road, Chapra P.S. - Town District - Saran, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rounak Sinha, Advocate
For the State : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The notice has been served upon opposite party
no. 2.

3. The petitioner apprehends arrest in connection
with Town P.S. Case No. 679 of 2024 instituted under Sections
126(2), 115(2), 316(2), 318(4), 324(4), 352 and 351(2) of the
Bharatiya Nyaya Sanhita.

4. The petitioner is alleged to have cheated the
informant of Rs. 4 lakhs.

5. The present application is not maintainable in light



of the judgment of the Hon’ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar* reported in *(2014) 8 SCC 273*.

6. The Court below has granted same relief to the petitioner and directed to police to consider the case of the petitioner in light of the judgment of the Hon’ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar* reported in *(2014) 8 SCC 273*.

7. This application is held to be not maintainable and the same is dismissed.

(Sandeep Kumar, J)

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