

IN THE COURT OF ADDITIONAL SESSIONS JUDGE 5

Civil Court, Bhagalpur, Bihar

Present: Sri Amit Kumar Singh

ABP No. 784 of 2026 CNR No. BRBG01-003728-2026**Kotwali (Jogsar) PS Case No. 708/2021****Sanjit Saha vs. The State of Bihar**

Sl. No.	Date of Order of the proceeding	Order, with initials of the Court	Remarks, with action taken by the Office, if any.
1	2	3	4

21.04.2026	1. The present anticipatory bail petition has been filed on behalf of the petitioner <i>Sanjit Saha</i>, apprehending arrest in connection with Kotwali (Jogsar) P.S. Case No. 708/2021, registered under Sections 406 and 420 of the Indian Penal Code, 1860, which is pending before the Court of the learned Chief Judicial Magistrate, Bhagalpur. The original case record and case diary are available before this Court. 2. The matter was taken up for hearing. <i>Sri Dayanand Jha</i>, learned counsel appeared for the petitioner, while <i>Sri Abhay Kumar Singh</i>, learned Additional Public Prosecutor represented the State. Both sides were heard at length. 3. The prosecution case, as per the written report of informant <i>Smt. Rita Ghosh</i>, is that on 25.06.2021 she viewed a flat through Housing.com and was provided the contact details of one <i>Deep Das</i>. On contacting him, she was informed that while allotment of flats in Kolkata was uncertain under the lottery system, under the <i>Pradhan Mantri Awas Yojana</i> every applicant was assured of a house. She was advised to contact <i>Sanjit Saha</i>, who introduced himself as CEO of the said scheme in Bengal. Upon interaction, the informant was asked to provide personal details and was told that the cost of the application form was ₹12,000. The said amount was transferred to the petitioner's bank account. Thereafter, under various pretexts such as registration, electricity connection, garage, and shop allotment, the petitioner demanded further sums, often at odd hours, threatening cancellation in case of delay. The informant, by borrowing from different sources, paid a total of ₹8,23,580/-. Despite repeated requests, the petitioner failed to refund the money. It is further alleged that the petitioner used multiple mobile numbers and aliases, including <i>Raju Kol Mistry</i> and <i>Riya Roy</i>. Consequently, the FIR was lodged on 20.10.2021.	
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Continued

4. Learned counsel for the petitioner submitted that the petitioner is a law-abiding citizen falsely implicated in the present case. It was urged that no other anticipatory or regular bail petition has been filed before the Sessions Court or the Hon'ble Patna High Court in respect of this case. Counsel candidly admitted that three other cases under similar provisions are pending against the petitioner in West Bengal, in which he is already on bail. It was argued that since the offences alleged are punishable up to seven years, service of notice under Section 41A CrPC was mandatory, in terms of the guidelines of the Hon'ble Supreme Court and the Hon'ble Patna High Court. However, no such notice was served. Reference was made to the High Court's notification dated 19.09.2023 mandating strict compliance of Section 41A CrPC. It was contended that issuance of NBW on 12.01.2023 and process under Section 82 CrPC on 29.04.2025, without service of notice, violates Article 21 of the Constitution. Counsel emphasized that bail is the rule and jail the exception, and assured compliance with all conditions imposed by the Court.

5. *Per contra*, learned Additional Public Prosecutor opposed the petition, submitting that the Investigating Officer had visited the petitioner's residence on 07.09.2022 and interacted with his wife, requesting cooperation. Despite repeated visits, the petitioner remained evasive and failed to join investigation. It was thus argued that the plea of non-service of notice under Section 41A CrPC is misleading.

6. Upon consideration, this Court notes that the offences alleged are punishable up to seven years. Ordinarily, issuance of notice under Section 41A CrPC is mandatory before arrest, as per *Satender Kumar Antil v. CBI* and subsequent directions of the Hon'ble Patna High Court. However, the record reveals that the Investigating Officer made repeated visits and requested cooperation, which the petitioner

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deliberately avoided. In such circumstances, mere non service of notice cannot entitle the petitioner to anticipatory bail as a matter of right.

7. It is further undisputed that the petitioner has antecedents in three other cases of cheating and criminal breach of trust in West Bengal. The multiplicity of cases indicates a pattern of fraudulent activity. The present case involves duping the informant of a substantial sum of ₹8,23,580/- under the pretext of allotment of a residential flat. Economic offences of this nature, though within the seven-year bracket, are serious and undermine public trust.

8. Considering the antecedents, gravity of allegations, and non-cooperation with investigation, custodial interrogation is necessary to trace the money trail and ascertain the extent of the offence. The issuance of NBW and process under Section 82 CrPC by the learned Chief Judicial Magistrate, Bhagalpur, cannot be said to be in violation of guidelines, as the petitioner's conduct warranted coercive measures.

9. In view of the above, this Court finds no merit in the anticipatory bail petition. The principle of "bail is the rule and jail the exception" cannot be applied mechanically in cases of repeated cheating and deliberate evasion. Accordingly, the prayer for anticipatory bail stands rejected.

10. The Anticipatory Bail Petition is disposed of accordingly. Copy of the order be sent to the concerned court for information and needful.

Dictated

Sd/-

(Amit Kumar Singh)
Additional Sessions Judge 5
Bhagalpur, Bihar