

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.3628 of 2025

Rajesh Kumar @ Dr. Rajesh Kumar, S/o SP Singh, R/o Flat No. RH 21/A, Yodha Path, Sector-3, Khelgaon Village, Hatwal, PO Hotwar, PS Khelgaon and District Ranchi.

	...	...	Petitioner
	Versus		
The State of Jharkhand	...	...	Opposite Party

CORAM: SRI ANANDA SEN, J.

For the Petitioner :	Ms. Aprajita Bhardwaj, Advocate.
For the State :	Mr. Shashi Kumar Verma, A.P.P.

05/ 10.07.2025

Heard learned counsel for the petitioner and learned A.P.P. appearing for the State.

2. This anticipatory bail application under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioner apprehending his arrest in connection with RIT Police Station Case No. 98 of 2024, registered for the offences punishable under Sections 420, 504, 506 and 120B of the Indian Penal Code, pending in the Court of the Sub Divisional Judicial Magistrate, Seraikella.

3. Learned A.P.P. representing the State opposes the prayer for anticipatory bail.

4. The offences are punishable for a period of seven years or less.

5. It is alleged that on the assurance of marriage with the son of the petitioner, the petitioner's wife demanded Rs.21,00,000/- to be paid in the account of Ajay Kumawat. It is further alleged that the petitioner's wife demanded jewellery and cash for marriage. When demand was rejected they refused to marry.

6. Learned counsel for the petitioner at the very outset submits that the petitioner has appeared before the Investigating Officer and has given appropriate reply to the notice issued under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita. She submits that the petitioner is cooperating with the investigation.

7. Admittedly, when the petitioner appeared before the Investigating Officer, he was not arrested. This Court understands that pursuant to notices under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita since as per the petitioner he has appeared, cooperating with the investigation and he was

not arrested, this fact clearly suggests that the police/Investigating Officer did not find it necessary to arrest the petitioner. Issuance of notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita also suggests that there is no intention of the police to arrest the petitioner. Further, whether to arrest an accused or not falls within the discretion of the Investigating Officer. When the Investigating Officer feels that it is not necessary to arrest an accused, he may not be compelled to arrest him.

8. Further, anticipatory bail is sought for when there is an apprehension of being arrested. In this case since the petitioner has appeared before the Investigating Officer, cooperating with the investigation and has not been arrested, I am of the opinion that there exists no apprehension that the petitioner would be arrested. Further, this is not a case where custodial interrogation of the petitioner is required. The observation of the Sessions Judge that “***custodial interrogation is highly required***” is absolutely unwarranted. When the investigating officer, after considering the matter, feels not to arrest the petitioner, Court cannot direct such arrest. The Officer concerned should remain cautious in future while making observations in judicial orders.

9. Thus I direct the petitioner to appear before the Court concerned and file bail bonds as this case is covered by the judgment of the Hon’ble Supreme Court passed in the case of “**Satender Kumar Antil vs. CBI and Anr.**” reported in **(2022) 10 SCC 51**.

10. This Anticipatory Bail Application, accordingly, stands **disposed of**.

(Ananda Sen, J.)