

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11176 of 2022

Arising Out of PS. Case No.-465 Year-2021 Thana- KOTWALI District- Patna

Govind Rao Gazula

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 17-08-2022 Heard the parties.

This is an application for anticipatory bail filed on behalf of the petitioners in connection with Kotwali P.S. Case No. 465 of 2021 registered under sections 406, 420 read with section 34 of the Indian Penal Code.

Learned counsel for the petitioners at the very beginning when asked whether the petitioners have been issued any notice to participate in the investigation, he submitted that till date no notice has been served upon the petitioners by the Investigating Officer on the petitioners of this case to participate in the investigation.

Learned counsel for the petitioners further submits that the guidelines of the Supreme Court passed in the case of *Arnesh Kumar vs. State of Bihar and another reported in*



2014 (8) SCC 273 have to be followed in the present case as alleged offences are punishable by seven years or less. There is no doubt that the police has to follow the guidelines laid down in the case of Arnesh Kumar in cases where punishment is 7 years or less below.

Learned Advocate for the informant submits that the apprehension of the petitioners that guidelines passed in the case of Arnesh Kumar will not be followed by the Investigating Officer is ill-founded.

This application of anticipatory bail is disposed of with an observation that in case the petitioners are directed to participate in the investigation, the guidelines given in the case of Arnesh Kumar shall be followed. It is specifically directed that failure to comply with the direction in Arnesh Kumar's case will make the police officers liable for departmental action and they shall also be liable to punish for contempt of court.

With the aforesaid observations and directions this application of anticipatory is disposed of.

(Sandeep Kumar, J)

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