

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7510 of 2023

Arising Out of PS. Case No.-376 Year-2022 Thana- SHEKHPURA District- Sheikhpura

VIKKI RAM @ VIKKI KUMAR Son of Anil Ram Resident of Village - Pain
Dihri, P.S. and District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar & Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 28-08-2024 **1.** Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the OP No. 2.
- 2.** The learned counsel for the petitioner submits that petitioner seeks anticipatory bail in connection with Sheikhpura P.S. Case No. 376 of 2022 for the offences punishable under Sections 341, 323, 379, 498A and 504 of the Indian Penal Code and Sections 3 and 4 of Dowry Act.
- 3.** The learned APP submits that the offence for which the instant FIR has been instituted, carries punishment of seven years and less, the said submission of the learned APP is not disputed by learned counsel appearing on behalf of the petitioner and OP No. 2.
- 4.** The learned counsel for the petitioner next submits



that investigation in the case against the petitioner is still continuing but then the petitioner has not been granted the benefit of Section 41(A) of the Cr.P.C, on which the learned APP submits that the case be disposed of in terms of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

5. In view of the submission made by the learned APP, the anticipatory bail application is disposed of in terms of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

6. The petitioner would be at liberty to file a representation before the concerned Superintendent of Police and the Investigating Officer of the case, within a period of three weeks from today, with a web copy of the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the state of Bihar); and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the directions contained in the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

7. At this stage, the learned counsel appearing on behalf of the petitioner submits that it appears that learned Sessions Judge, Sheikhpura acts mechanically, it is further submitted that



this Court by its order dated 13.02.2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar) has clearly directed that as to how an accused is to be treated against whom an FIR is instituted carrying punishment of seven years and less and the order 13.02.2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar) also records the consequences of its breach. It is next submitted that the learned Sessions Judge, Sheikhpura in complete breach of the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar), has passed the order even without verifying that as to whether the petitioner was given the benefit of Section 41(A) of the Cr.P.C or not.

8. The Court completely concurs with the submission of the learned counsel appearing on behalf of the petitioner but then fails to appreciate the conduct of the Superintendent of Police, Sheikhpura and the I.O. of the case that as to why benefit of Section 41(A) of the Cr.P.C. was not given to the petitioner in compliance of the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

9. The Court, for the present, restrains itself from passing any adverse order against the learned Sessions Judge, Sheikhpura, the S.P., Sheikhpura and the I.O. of the case, but then directs them to download the order dated 13.02.2024 in Cr. Misc.



No.3536/2024 (Naushad Ansari vs. State of Bihar) for their perusal. The Court expects that next time, such mechanical order would not be passed by the learned Sessions Judge, Sheikhpura; and the S.P., Sheikhpura and the I.O. of the case shall remain careful and shall ensure that the order dated 13.02.2024 in Cr. Misc. No. 3536/2024 (Naushad Ansari vs. State of Bihar) is not breached with impunity, failing which, the Court would be constrained to initiate departmental/contempt proceeding against the erring judicial officer and the police officials.

10. Let a copy of this order be sent to the learned Sessions Judge, Sheikhpura and Superintendent of Police, Sheikhpura for their perusal and necessary action.

(Satyavrat Verma, J)

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