

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32832 of 2024

Arising Out of PS. Case No.-633 Year-2023 Thana- MANER District- Patna

1. RAJ KUMARI DEVI WIFE OF LAL BABU SAO RESIDENT OF VILLAGE - SARAI, POLICE STATION - MANER, DISTRICT - PATNA
2. LAL BABU SAO SON OF RAM BALAK SAO RESIDENT OF VILLAGE - SARAI, POLICE STATION - MANER, DISTRICT - PATNA
3. BITTU SAO @ MANISH KUMAR SON OF LAL BABU SAO RESIDENT OF VILLAGE - SARAI, POLICE STATION - MANER, DISTRICT - PATNA
4. EANGH SAO @ GUNGA SAO @ AJAY SAO SON OF LAL BABU SAO RESIDENT OF VILLAGE - SARAI, POLICE STATION - MANER, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Smita Kumari, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-09-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in connection with Maner P.S. Case No. 633 of 2023, dated 30.08.2023 registered for the offences punishable under Sections 341, 321, 324, 308, 379, 504 and 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. Learned A.P.P., at the outset, submits that the offences for which the instant FIR has been instituted against the petitioners



carry punishment of less than seven years.

5. The said submission of the learned A.P.P. is not disputed by the learned counsel appearing on behalf of the petitioners and the informant.

6. Learned counsel for the petitioners further submits that investigation in the case against the petitioners is still continuing but then petitioners have not been given the benefit of Section 41(A) of the Cr.P.C., on which learned A.P.P. submits that the case be disposed of in terms of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar).

7. In view of the submissions made by the learned A.P.P., the anticipatory bail application is disposed of in terms of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024.

8. The petitioners 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 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the direction contained in the said order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024.

9. Let a copy of this order be sent to the learned



Additional Sessions Judge-V, Danapur and the Senior Superintendent of Police, Patna for their perusal.

10. The Court expects that next time such mechanical order would not be passed and the police will ensure that in cases where offences for which an FIR is instituted carrying punishment of less than seven years the accused be given the benefit of Section 41(A) of the Cr.P.C.

(Satyavrat Verma, J)

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