

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38413 of 2024**

Arising Out of PS. Case No.-1102 Year-2023 Thana- JAHANABAD District- Jehanabad

Sugriv Kumar Son of Yadunandan Prasad R/O Vill.- Bishunpur, Nimia Bigha,  
Ghosi, Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      31-08-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Jehanabad (Town) P.S. Case No. 1102 of 2023, dated 17.11.2023 registered for the offences punishable under Section 420 of the Indian Penal Code and Section 40 of Clinical Establishment (Registration & Regulation) Act, 2010.

3. Learned counsel for the petitioner submits that petitioner is a person 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 petitioner carry punishment of seven years.

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



petitioner.

6. Learned counsel for the petitioner further submits that investigation in the case against the petitioner is still continuing but then petitioner has 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 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 13.02.2024 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. At this stage, learned counsel for the petitioner



submits that it appears that the learned Additional Sessions Judge-8, Jehanabad is passing orders in breach of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 as the impugned order does not even remotely reflect that before dismissing the anticipatory bail application whether any query was made from the learned A.P.P. as to whether benefit of Section 41(A) of the Cr.P.C. has been given to the petitioner or not.

10. The Superintendent of Police, Jehanabad shall ensure that breach of order 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 is not committed in future.

11. Let a copy of this order be sent to the learned Additional Sessions Judge-8, Jehanabad and the Superintendent of Police, Jehanabad for their perusal and onward communication of the order to the investigating officer of the case for necessary action.

**(Satyavrat Verma, J)**

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