

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37299 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- AMNAUR District- Saran

1. LALTI KUNWAR @ LALATA DEVI @ LALATI KUNWAR @ LALTI DEVI @ LALATA KUNWAR W/O LATE RAM DARESH RAI R/O VILLAGE- CHAINPUR, P.S- AMNOUR, DISTT.- SARAN.
2. ASHOK KUMAR YADAV @ ASHOK RAI S/O LATE RAM DARESH RAI R/O VILLAGE- CHAINPUR, P.S- AMNOUR, DISTT.- SARAN.
3. DILIP KUMR YADAV @ DILIP RAI @ DILIP KUMAR RAI S/O LATE RAM DARESH RAI R/O VILLAGE- CHAINPUR, P.S- AMNOUR, DISTT.- SARAN.
4. PARMESHWAR DUBEY S/O RAMJI DUBEY R/O VILLAGE- MURA, P.S- AMNOUR, DISTT.- SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendar Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-09-2024 Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Amnour P.S. Case No. 98 of 2023, dated 11.05.2023 registered for the offences punishable under Sections 498(A) and 363/34 of the Indian Penal Code.

3. Learned A.P.P. for the State submits that the Investigating Officer of the case in compliance of the order dated 05.09.2024 is present in the Court and submits that the notice under Section 41(A) of the Cr.P.C. shall be issued to the petitioners.



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

5. 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 seven years and less.

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

7. 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).

8. 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.

9. 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.

10. Let a copy of this order be sent to the learned Additional Sessions Judge-VII, Saran at Chapra and the Superintendent of Police, Saran at Chapra for their perusal.

11. 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 seven years and less the accused be given the benefit of Section 41(A) of the Cr.P.C.

12. The personal appearance of the investigating officer of the case is dispensed with.

(Satyavrat Verma, J)

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