

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41283 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- MAHILA PS District- Buxar

Manoj Kumar Tiwari @ Sonu Tiwari Son of Ramji Tiwari R/O Vill.- Bigahi,
P.S.- Bansdih, Dist.- Ballia (U.P.)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sandhya Tiwari W/O Manoj Tiwari D/O Late Nagendra Kumar R/O Vill.- Bigahi, P.S.- Bansdih, Dist.- Ballia (U.P.). At Present Address R/O Vill. and P.O.- Dumari, P.S.- Simari, Dist.- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma
For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-08-2024 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 Buxar Mahila P.S. Case No. 11 of 2024 for the offences punishable under Sections 341, 323, 498A, 504, 506 and 34 of the Indian Penal Code and Sections 3 and 4 of D.P. 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 the OP No. 2.

4. The learned counsel for the petitioner submits that investigation in the case against the petitioner is still continuing and petitioner has not been granted the benefit of Section 41A 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 Additional Sessions Judge-1, Buxar 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 how an accused is to be treated against whom an FIR is instituted carrying punishment of seven years and less.

8. The Court completely concurs with the submission of the learned counsel appearing on behalf of the petitioner.

9. The Court, for the present, restrains itself from passing any adverse order, but then directs the learned Additional Sessions Judge-1, Buxar, Superintendent of Police, Buxar and Investigating Officer of the case to download the order dated 13.02.2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar) for their perusal.

10. The Court expects that next time, such mechanical orders would not be passed and the Superintendent of Police, Buxar and the Investigating Officer shall remain more careful in handling cases where punishment is seven years and less.

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



Sessions Judge, Buxar and Superintendent of Police, Buxar for
its onward communication to the learned Additional Sessions
Judge-1, Buxar and the Investigating Officer of the case.

(Satyavrat Verma, J)

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