

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44659 of 2024

Arising Out of PS. Case No.-281 Year-2022 Thana- CHHAURADANO District- East
Champanan

=====

Asha Baitha S/o Late Sheo Narain Baitha R/o Village-Mathiya Brit, P.S.-
Chhauradano, District-East Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-08-2024 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Chhauradano P.S. Case No.281/2022 registered for the
offences punishable under Sections 341, 323, 324, 354(B), 308,
379, 504, 34 of the Indian Penal Code.

3. The learned APP at the outset submits that the
offences for which the instant F.I.R. has been instituted against
the petitioner carries a punishment of 7 years and less. The said
submission of the learned APP is not disputed by the learned
counsel appearing on behalf of the petitioner. The learned
counsel for the petitioner further submits that the investigation
in the case against the petitioner is still continuing but the
petitioner has not been given the benefit of Section 41(A)
Cr.P.C., on which, the learned APP submits that the case be
disposed of in terms of the order dated 13.02.2024 in Cr. Misc.



No.3536/2024 (Naushad Ansari vs. State of Bihar).

4. In view of the submission made by the learned APP the anticipatory bail application is disposed of in terms of the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

5. The petitioner would be at liberty to file a representation within a period of three weeks from today before the concerned Superintendent of Police of the district and the Investigating Officer of the case with a web copy of the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) and the Superintendent of Police shall ensure that Investigating Officer of the case strictly adhere to the direction contained in the said order.

6. The learned counsel for the petitioner at this stage submits that it appears that the learned Sessions Judge, East Champaran, Motihari acts mechanically. It is further submitted that this Court by its order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) has clearly directed that how an accused is to be treated against whom an F.I.R. is instituted carrying punishment of 7 years and less.

7. The Court completely concurs with the submissions of the learned counsel appearing on behalf of the petitioner and



at the same time the court completely fails to appreciate the conduct of the Superintendent of Police, Motihari and the I.O. of the case that as to why benefit of Section 41(A) of the Cr.P.S. was not given to the petitioner.

8. The Court for the present restrains itself from passing any adverse order against the learned Sessions Judge, East Champaran at Motihari, the S.P., Motihari and the I.O. of the case, but then directs them to download the order dated 13.02.2024 passed 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 and the S.P., Motihari and the I.O. of the case shall remain careful in dealing with cases where punishment of the offence is 7 years or less with or without fine, failing which, the Court would be constrained to initiate contempt proceeding against the erring officials.

9. Let a copy of this order be sent to Mr. Devraj Tripathi, learned Sessions Judge, East Champaran, Motihari, S.P., Motihari and the I.O of the case for their perusal and necessary action.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

