

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44676 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- SANDESH District- Bhojpur

Law Kumar @ Lav Kumar S/O Rambabu Singh R/O Village-Jalpura(tapa),
P.S.-Chandi, Distt-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Ravindra Kumar

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 Sandeesh P.S. Case No.296/2023 registered for the offences
punishable under Sections 379, 411, 353, 384, 34 of the Indian
Penal Code & Section 56(2) M.B.C., Rules, 2021.

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 1st Additional Sessions Judge, Bhojpur, Ara 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, Bhojpur, Ara 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 1st Additional Sessions Judge, Bhojpur, Ara and the S.P., Bhojpur, Ara 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., Bhojpur, Ara and the I.O. of the case shall remain careful 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 the learned Sessions Judge, Bhojpur, Ara and Superintendent of Police, Bhojpur, Ara for its onward communication to Mr. Rishi Kumar Singh, learned 1st Additional Sessions Judge, Bhojpur, Ara and the I.O of the case for their perusal and necessary action.

(Satyavrat Verma, J)

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