

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44754 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- BARABAR TOURIST District-
Jehanabad

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Dr. Vidyanand Kumar @ Dr. Vidyanand Chaudhary S/o Bineshwar Yadav @
Vindeshwar Yadav @ Vindeshwar Yadav, R/o village-Thikraur, P.S. Ghosi,
District-Jehanabad.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Ms. Sharda Kumari

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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 Barabar Paryatan P.S. Case No.144/2023, registered for the
offences punishable under Sections 420 of the Indian Penal
Code & Section 16(i) of the Clinical Establishment and
Regulation Act, 2010.
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 Additional Sessions Judge-III, Jehanabad 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. Further the order also records the consequences of the breach of the order dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

7. The Court completely concurs with the submissions of the learned counsel appearing on behalf of the petitioner but then fails to appreciate the conduct of the Superintendent of Police, Jehanabad and the I.O. of the case that as to why benefit of Section 41(A) of the Cr.P.C. was not given to the petitioner.

8. The Court for the present restrains itself from passing any adverse order against Mr. Rajesh Kumar Verma, the learned Additional Sessions Judge-III, Jehanabad, the S.P., Jehanabad 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., Jehanabad and the I.O. of the case shall remain careful and shall ensure that the dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) is not breached with impunity, 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, Jehanabad for its onward communication to Mr. Rajesh Kumar Verma, learned Additional Sessions Judge-III, Jehanabad, S.P., Jehanabad and the I.O of the case for their perusal and necessary action.

(Satyavrat Verma, J)

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