

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48474 of 2024

Arising Out of PS. Case No.-1144 Year-2021 Thana- AGAMKUAN District- Patna

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Amina Rashid Wife of Md. Khalid Rashid Board Member and Director of
M/S Amina Construction Pvt. Ltd, R/M-102, G.M.K. Apartment, Samanpura,
P.S.- Shastri nagar, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Ms. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-08-2024 1. Heard the learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Agan Kuan P.S. Case No.1144/2021, registered for the
offences punishable under Sections 406 & 420 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 Additional and District Judge-IV, Patna City 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). It is further submitted that even the order impugned does not record whether the benefit of Section 41(A) of the Cr.P.C. was given to the petitioner or not.

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, (Central) Patna 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 in compliance of the order dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

8. The Court for the present restrains itself from passing any adverse order against the learned Additional District and Sessions Judge-IV, Patna City, the S.P., (Central) Patna 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.

9. The Court expects that next time, such mechanical order would not be passed by the learned Additional District and Sessions Judge-IV, Patna City and the S.P., (Central) Patna 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 departmental/contempt proceeding against the erring officials.

10. Let a copy of this order be sent to the learned District Judge, Patna and S.P. (Central) Patna for its onward communication to learned learned Additional District and Sessions Judge-IV, Patna City and the I.O of the case for their perusal and necessary action.

(Satyavrat Verma, J)

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