

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49620 of 2024

Arising Out of PS. Case No.-979 Year-2023 Thana- KANKARBAG District- Patna

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1. Nupur Ranjan @ Most Karuna Ranjan Wife of Late Vijay Ranjan
 2. Kislay Raj Son of Late Vjjay Ranjan
- Both Resident of House No J/185, Mohalla PC Colony, Near Anamika Gas
Godown, P.S.- Kankarbagh, District- Patna
- Petitioner/s
- Versus
- The State Of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 19-08-2024 Heard learned counsel for the petitioners and learned
APP for the State, Mr. Chandra Bhushan Prasad.

2. The learned APP at the outset submits that the offences 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 the learned counsel appearing on behalf of the petitioners.

3. The learned counsel for the petitioners next submit that investigation in the case against the petitioners is still continuing and they have not been granted the privilege of



Section 41(A) of the Cr.P.C., on which the learned APP submits that the case be disposed of in terms of the order dated 13.02.2024 passed in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar).

4. In view of the submissions 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 of 2024 (Naushad Ansari vs. The State of Bihar).

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

6. At this stage the learned counsel appearing on behalf of the petitioners submit that it appears that learned Additional Sessions Judge, IIIrd, Patna acts mechanically, it is further submitted that this Court by its order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of



Bihar) has clearly directed that how an accused is to be treated against whom FIR is instituted carries punishment of seven years and less.

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

8. Let this order be communicated to the learned Additional Sessions Judge, IIIrd, Patna for his perusal. The learned Additional Sessions Judge, IIIrd, Patna shall furnish an explanation that as to why a departmental proceeding be not initiated against him for deliberately violating the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar).

9. The learned Additional Sessions Judge, IIIrd, Patna is directed to download a copy of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar) before furnishing his explanation. In the event, if the Court comes to a conclusion that the explanation furnished by the learned Additional Sessions Judge, IIIrd, Patna is not satisfactory, in that event, the Court may consider the desirability of referring the matter for initiating a departmental proceeding against the learned Additional Sessions Judge, IIIrd, Patna.



10. The Superintendent of Police (Town), Patna and the Investigating Officer of the case shall also furnish their separate explanations that as to why a contempt proceeding be not initiated against them for wilfully violating the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar). The Superintendent of Police (Town), Patna and the Investigating Officer before furnishing their explanation shall also download the web copy of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar) for perusal.

11. Let a copy of this order be sent to the Superintendent of Police (Town), Patna and the Investigating Officer of the case forthwith. The learned APP, Mr. Chandra Bhushan Prasad shall also communicate the present order to the Superintendent of Police (Town), Patna and the Investigating Officer of the case.

12. Put up this case on 09.09.2024 under the heading 'To be Mentioned'.

13. The case has been directed to be listed under the heading 'To be Mentioned' only for the purposes of considering the explanation on the said date that as to whether a departmental proceeding is warranted against the learned



Additional Sessions Judge, IIIrd, Patna or not and whether a proceeding of contempt is warranted against the Superintendent of Police (Town), Patna and the Investigating Officer of the case or not for violating the aforesaid order.

(Satyavrat Verma, J)

Prakash Narayan

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