

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59049 of 2024

Arising Out of PS. Case No.-735 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

Shishupal @ Shishupal Kumar S/o Gopal Mishtri @ Gopal Lohar R/o
Hasanpura Road, Beur, near Kunal clinic, Mitha Kuan, P.S. - Beur, Distt. -
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Ramkrishna
Nagar P.S. Case No. 735 of 2019 for the offences punishable
under Sections 356, 379, 511 and 34 of the Indian Penal Code.

3. The learned APP submits that the offence for which
the instant FIR has been instituted, carries punishment of less
than seven years, the said submission of the learned APP is not
disputed by learned counsel appearing on behalf of the
petitioner.

4. The learned counsel for the petitioner submits that
investigation in the case against the petitioner is still continuing



and he has not been granted the benefit of Section 41A of the Cr.P.C, on which the learned APP thus submits that the case be disposed of in terms of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

5. In view of the submission made by the learned APP, the anticipatory bail application is disposed of in terms of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

6. The petitioner would be at liberty to file a representation before the concerned Superintendent of Police and the Investigating Officer of the case, within a period of three weeks from today, with a web copy of the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the state of Bihar); and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the directions contained in the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

7. At this stage, the learned counsel appearing on behalf of the petitioner submits that it appears that learned Additional Sessions Judge-III, Patna acts mechanically. It is further submitted that this Court by its order dated 13.02.2024 in



Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar) has clearly directed that how an accused is to be treated against whom an FIR is instituted carrying punishment of seven years and less.

8. The Court completely concurs with the submission of the learned counsel appearing on behalf of the petitioner.

9. The Court, for the present, restrains itself from passing any adverse order, but then directs the learned Additional Sessions Judge-III, Patna to download the order dated 13.02.2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar) for his perusal.

10. The Court expects that next time, such mechanical orders would not be passed which gives an impression that the order of this Court is being breached with impunity.

11. Let a copy of this order be sent to the learned Session Judge, Patna forthwith, for its onward communication to the learned Additional Sessions Judge-III, Patna.

(Satyavrat Verma, J)

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