

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53435 of 2024

Arising Out of PS. Case No.-755 Year-2023 Thana- TEKARI District- Gaya

Sudarshan Kumar Son of Ramkrit Yadav R/O Vill.- Lakshman Bigha, P.s.-
Konch, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-08-2024 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 Tekari P.S.
Case No. 755 of 2023 for the offences punishable under
Sections 379, 411 and 120(B) of the Indian Penal Code, Section
21 of the M.M. (D & R) Act, 1957 and Rule 56 of the BM
(CPIMTS) Rule, 2021.

3. The learned APP for the State submits that the
offences 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 next submits
that investigation in the case against the petitioner is still



continuing, but then the petitioner has not been given the benefit 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 13-2-2024 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-XII, Gaya 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 as to how an accused is to be treated against whom an FIR is instituted carrying punishment of seven years and less and the order 13.02.2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar) also records the consequences of its breach. It is next submitted that the learned Additional Sessions Judge-XII, Gaya, in complete breach of the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. The State of Bihar), has passed the order even without verifying that as to whether the petitioner was given the benefit of Section 41(A) of the Cr.P.C or not.

8. The Court completely concurs with the submission of the learned counsel appearing on behalf of the petitioner, but then fails to appreciate the conduct of the Senior Superintendent of Police, Gaya 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 in Cr. Misc. No. 3536/2024 (Naushad Ansari vs. The State of Bihar).

9. The Court, for the present, restrains itself from passing any adverse order against the learned Additional



Sessions Judge-XII, Gaya, the Senior Superintendent of Police, Gaya and the I.O. of the case, but then directs them to download the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. The State of Bihar) for their perusal. The Court expects that next time, such mechanical order would not be passed by the learned Additional Sessions Judge-XII, Gaya; and the Senior Superintendent of Police, Gaya and the I.O. of the case shall remain careful and shall ensure that the order dated 13.02.2024 in Cr. Misc. No. 3536/2024 (Naushad Ansari vs. The State of Bihar) is not breached with impunity, failing which, the Court would be constrained to initiate departmental/contempt proceeding against the erring judicial officer and the police officials.

10. Let a copy of this order be sent to the learned District Judge, Gaya for its onward communication to the learned Additional Sessions Judge-XII, Gaya, the Senior Superintendent of Police, Gaya and the Investigating Officer of the case for their perusal and necessary action.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

