

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50356 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- DHANAHA District- West Champaran

Birendra Gaddi @ Virendra Gaddi Son of Late Kanchan Gaddi R/O Vill.-
Barwa Sahaj Tola, P.s.- Dhanaha, Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1
For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection
with Dhanaha P.S. Case No.97/2024, registered for the offences
punishable under Sections 411, 414 of the Indian Penal Code &
Section 11 of the Animal Cruelty Act.

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 less than 7 years. 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 and he has
not been granted 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-IV, Bagaha, West Champaran 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.

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

8. The Court for the present restrains itself from passing any adverse order, but then directs the learned Additional Sessions Judge-IV, Bagaha, West Champaran to download the order dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) for his perusal. The Court expects that next time, such mechanical order would not be passed, which gives an impression that the order of this Court is being breached with impunity.

9. Let a copy of this order be sent to the learned Sessions Judge, West Champaran, Bettiah forthwith for its onward communication to the learned Additional Sessions Judge-IV, Bagaha, West Champaran.

(Satyavrat Verma, J)

amit/-

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

