

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54539 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- CHANDI District- Bhojpur

Dharmvir Kumar @ Vikky Kumar Son of Ramjee Ram @ Ramjee Das R/O
Vill.- Bahiyara, P.s.- Chandi, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024

1. Heard the learned counsel for the petitioner and the

learned APP for the State Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in connection with Chandi P.S. Case No.45/2024, registered for the offence punishable under Section 365 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 Mr. Chandra Bhushan Prasad 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. Let a copy of this order be sent to the learned District and Sessions Judge, Bhojpur at Ara and the Superintendent of Police, Bhojpur, Ara for their perusal. The Court expects that next time when anticipatory bail application is being dealt by the learned District and Sessions Judge, Bhojpur at Ara with respect to offences carrying punishment of 7 years and less, the learned Sessions Judge shall record in the order that as to whether the benefit of Section 41(A) of the



Cr.P.C. was given to the petitioner or not. The Superintendent of Police, Bhojpur, Ara and the Investigating Officer of the case shall remain careful in future and shall ensure that the order of this court is not breached with impunity.

(Satyavrat Verma, J)

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