

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56005 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- PIRO District- Bhojpur

Om Prakash @ Om Prakash Ray @ Om Prakash Rai Son Of Shri Lakshman
Rai Resident Of Village - Bachari, P.O. - Bachari, P.S. - Piro, District -
Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi

For the Opposite Party/s : Mr. Ravindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-09-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State Mr. Ravindra Kumar.
2. The petitioner apprehends his arrest in connection with Piro P.S. Case No.116/2024, registered for the offences punishable under Sections 341, 323, 354, 506, 509 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 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 the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) also records the consequences of its breach but then neither the learned Additional Sessions Judge-VIII, Bhojpur at Ara nor the Superintendent of Police, Bhojpur at Ara paid any heed to the



order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar). It is also submitted that even the order impugned does not even remotely reflect that before rejecting the anticipatory bail application of the petitioner, the learned Additional Sessions Judge-VIII, Bhojpur at Ara enquired from the learned APP that as to whether benefit of Section 41(A) of the Cr.P.C. has been given to the petitioner or not.

7. Let a copy of this order be sent to the learned Sessions Judge, Bhojpur at Ara and the Superintendent of Police, Bhojpur at Ara for its onward communication to the learned Additional Sessions Judge-VIII, Bhojpur at Ara and the I.O. of the case for their perusal.

(Satyavrat Verma, J)

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