

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56321 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- CHHATAPUR District- Supaul

1. Parmanand Marik S/o- Late Jagdish Marik Village- Lalganj Tilahi W.No-15, Ps- Chhatapur Dist- Supaul
2. Harivansh Marik son of Late Jagdish Marik Village- Lalganj Tilahi W.No-15, Ps- Chhatapur Dist- Supaul
3. Yoganand Marik @ Jaganand Mariko son of Late Jagdish Marik Village- Lalganj Tilahi W.No-15, Ps- Chhatapur Dist- Supaul
4. Sanjay Marik son of late Jagdish Marik Village- Lalganj Tilahi W.No-15, Ps- Chhatapur Dist- Supaul
5. Ankit Kumar son of Parmanand Marik Village- Lalganj Tilahi W.No-15, Ps- Chhatapur Dist- Supaul
6. Sunil Kumar @ Sunil Marik son of Sanjay Marik Village- Lalganj Tilahi W.No-15, Ps- Chhatapur Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar
For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The learned counsel for the petitioners submits that petitioners seek anticipatory bail in connection with Chhatapur P.S. Case No. 151 of 2023 for the offences punishable under Sections 341, 323, 325, 354, 308, 379, 465, 468, 469, 120B, 504, 506 and 34 of the Indian Penal Code and Section 67 of the Information Technology Act.



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

4. The learned counsel for the petitioners submits that investigation in the case against the petitioners is still continuing and petitioners have not been granted the benefit of Section 41A 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 petitioners 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 petitioners submits that it appears that learned Additional District and Sessions Judge-III, Supaul 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 petitioners.

9. The Court, for the present, restrains itself from passing any adverse order, but then directs the learned Additional District and Sessions Judge-III, Supaul 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. 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.

10. Let a copy of this order be sent to the learned



Session Judge, Supaul for its onward communication to the
learned Additional District and Sessions Judge-III, Supaul.

(Satyavrat Verma, J)

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