

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54397 of 2024

Arising Out of PS. Case No.-8 Year-2022 Thana- GARVANDANGA District- Kishanganj

RAJABUL HAQUE @ MD. GUDDU GOLAWALA @ MD. GUDDU GOLA
S/O JIYAUH RAHMAN R/O VILLAGE- PAUWA KHALI, P.O AND P.S-
PAUWA KHALI, DIST.- KISHANGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Akhter Hussain, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 30-08-2024 Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Garvandanga P.S. Case No. 08 of 2022, dated 13.02.2022 registered for the offences punishable under Sections 380 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

4. Learned A.P.P., at the outset, submits that the offences for which the instant FIR has been instituted against the petitioner carry punishment of seven years.

5. The said submission of the learned A.P.P. is not disputed by the learned counsel appearing on behalf of the petitioner.

6. Learned counsel for the petitioner further submits that



investigation in the case against the petitioner is still continuing but then petitioner has not been given the benefit of Section 41(A) of the Cr.P.C., on which learned A.P.P. submits that the case be disposed of in terms of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar).

7. In view of the submissions made by the learned A.P.P., the anticipatory bail application is disposed of in terms of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024.

8. 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 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the direction contained in the said order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024.

9. At this stage, learned counsel for the petitioner submits that it appears that the learned Additional Sessions Judge-III, Kishanganj is passing orders in breach of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 as the impugned order does not even remotely reflect that before dismissing the anticipatory bail application whether any query was made from the learned A.P.P. as to whether benefit of Section 41(A) of the Cr.P.C.



has been given to the petitioner or not.

10. The Superintendent of Police, Kishanganj shall ensure that breach of order 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 is not committed in future.

11. Let a copy of this order be sent to the learned Additional Sessions Judge-III, Kishanganj and the Superintendent of Police, Kishanganj for their perusal and onward communication of the order to the investigating officer of the case for necessary action.

(Satyavrat Verma, J)

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