

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55272 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

-
1. Dhanji Kumar son of Ram Awatar Bind
 2. Naresh Bind, son of Late Basropan Bind
 3. Guddu Kumar Bind @ Guddu Bind son of Naresh Bind
 4. Niku Kumar @ Mukku Kumar son of Santosh Bind
 5. Suraj Kumar son of Parika Bind
 6. Ravi Kumar son of Parika Bind
 7. Manu Kumar @ Mannu Bind son of Naresh Bind

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner submits that the offences for which the instant FIR has been instituted carrying punishment of seven years and less. It is further submitted that the said submission of the learned counsel appearing on behalf of the petitioner has not been disputed by the learned Additional P.P. for the State. It is also submitted that the benefit of Section 41 (A) of the Cr.P.C. was not given to the petitioners and the police in a mechanical manner submitted charge sheet on 29.02.2024. It is next submitted that it absolutely does not stand to reason as on what basis the charge sheet came to be submitted



when police never investigated the matter. It is also submitted that had the benefit of section 41(A) of the Cr.P.C. would have been given to the petitioner, in that event, the petitioner would have appeared before the police to prove their innocence but then the same was not done.

3. Put up this case on 3rd of September, 2024 when the Superintendent of Police, Kaimur along with the Investigating Officer of the case shall remain physically present before this Court. In the event, if the Superintendent of Police and the Investigating Officer of the case are not in a position to satisfy this Court as to why benefit of section 41 (A) of the Cr.P.C. was not given to the petitioner, in that event, the Court may consider the desirability of initiating contempt proceeding against them.

4. Mr. Chandra Bhushan Prasad, learned APP for the State is directed to communicate the order to the Superintendent of Police, Kaimur.

5. In the meantime, there shall be no coercive action against the petitioner until the anticipatory bail application is finally adjudicated by this Court.

6. Let a copy of this order be sent to the concerned Court where Kudra P.S. Case No. 03/2024 is presently pending.



7. When the Court was rising at 4:15 P.M. learned Advocate, Ayush Kumar came and informed that inadvertently, a submission was made that petitioners were not granted the benefit of Section 41(A) of the Cr.P.C. based on which the Superintendent of Police of the concerned district along with the Investigating Officer of the case were directed to remain physically present tomorrow at 2:15 P.M.. It is next submitted that benefit of Section 41 (A) of the Cr. P.C. has already been given to the petitioners but then when instruction was sought for from the petitioners, the petitioners concealed the said information, as such, the said submission was made inadvertently.

8. Learned counsel for the petitioners thus seeks permission to withdraw the anticipatory bail application.

9. Since the case has been withdrawn, the physical appearance of the Superintendent of Police, Kaimur and the Investigating Officer is not required in this case.

(Satyavrat Verma, J)

Jagdish/-

U			
---	--	--	--

