

Arising Out of PS. Case No.-83 Year-2024 Thana- INDUSTRIAL District- Bhagalpur

- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha
For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-08-2024 1. Heard the learned counsel for the petitioners and
the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Industrial Area P.S. Case No.83/2024 registered for the offences punishable under Sections 147, 149, 341, 342, 323, 353, 504, 506 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 petitioners carries a punishment of less than 7 years. The said submission of the learned APP is not disputed by the learned counsel appearing on behalf of the petitioners. The learned counsel for the petitioners further submits that the



investigation in the case against the petitioners is still continuing and they have not been granted the benefit of Section 41(A) Cr.P.C., as their anticipatory bail application stood rejected by the order impugned passed by the learned Sessions Judge, Bhagalpur, 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 Court completely fails to appreciate that as to why the learned Sessions Judge, Bhagalpur rejected the anticipatory bail application of the petitioners, when punishment



envisaged for the offences for which the instant F.I.R. has been instituted carries punishment of less than 7 years. This Court in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) had given specific direction that how an accused who is involved in a case in which punishment is 7 years or less is to be treated. It appears that the learned Sessions Judge, Bhagalpur does not apply his judicial mind. The Court for the present is not making any adverse comment against the learned Sessions Judge, Bhagalpur but then directs him to download a copy of the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar). The Court expects that the learned Sessions Judge after going through the aforesaid order would realize the mistake committed by him. The Court expects that such mechanical order would not come to the notice of the Court in future, which gives an impression that the order of this Court is being breached with impunity.

7. Let a copy of this order be sent to the learned Sessions Judge, Bhagalpur forthwith for his perusal.

(Satyavrat Verma, J)

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