

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55915 of 2024

Arising Out of PS. Case No.-480 Year-2023 Thana- MIRGANJ District- Gopalganj

Mukesh Kumar Son of Bhagwan Pasi R/O Vill.- Naviganj, P.s.- Badhariya,
Dist.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Ranjan Kumar

For the Opposite Party/s : Mr. Binod 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.

2. The petitioner apprehends his arrest in connection
with Mirganj P.S. Case No.480/2023, registered for the offences
punishable under Sections 414/34 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-XII, Gopalganj nor the Superintendent of Police, Gopalganj 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-XII, Gopalganj enquired from the learned APP that as to whether benefit of Section 41(A) of the Cr.P.C. has been given to the petitioners or not.

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

(Satyavrat Verma, J)

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