

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55901 of 2024

Arising Out of PS. Case No.-554 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Sudhir Kumar son of Radhelal Prasad Srivastava Village- Godhwa, PS-
Motihari Muffasil, District- East Champaran
 2. Nipul Kumar son of Late Awadhesh Prasad Shrivastava Village- Godhwa,
PS- Motihari Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 1. Heard the learned counsel for the petitioners and
the learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Motihari Muffasil P.S. Case No.554/2023, registered for
the offences punishable under Sections 341, 325, 385, 379, 504,
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 petitioners 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 petitioners. The learned
counsel for the petitioners further submits that the investigation



in the case against the petitioners is still continuing but the petitioners have 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 petitioners 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 petitioners, 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 District judiciary nor the Superintendent of Police, Motihari 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 petitioners, the learned Sessions Judge, East Champaran at Motihari 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.

(Satyavrat Verma, J)

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