

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58309 of 2024

Arising Out of PS. Case No.-360 Year-2023 Thana- AAJAM NAGAR District- Katihar

Md. Jamil Akhtar @ Jamil Akhtar @ Md. Jamil SON OF MD. NASEEM
VILLAGE- JANGIPUR, PS- AZAMNAGAR, DIST- KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. UJALA KHATOON WIFE OF MD. JAMIL VILLAGE- PANCH KONIYA,
WARD NO. 3, PS- AZAMNAGAR, DIST- KATIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The learned APP at the outset submits that the offences for which the instant FIR has been instituted carries punishment of less than seven years. The said submission of the learned APP is not disputed by the learned counsel appearing on behalf of the petitioner.

3. The learned counsel for the petitioner further submits that investigation in the case against the petitioner is still pending and the petitioner has not been given the benefit of Section 41(A) of the Cr.P.C., on which the learned APP submits that the anticipatory bail application be disposed of in terms of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024



(Naushad Ansari vs. The State of Bihar).

4. In view of the submissions 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 of 2024 (Naushad Ansari vs. The State of Bihar).

5. The petitioner would be at liberty to file a representation before the concerned Superintendent of Police and the Investigating Officer of the case with a web copy of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 within a period of three weeks from today and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the direction contained in the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar).

6. The learned counsel for the petitioner at this stage submits that it appears that the learned Additional District & Sessions Judge, Vth, Katihar, acts mechanically, it is further submitted that this Court by its order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar) has clearly directed that how an accused is to be treated against whom an FIR is instituted carrying punishment of seven years and less, further the order also records the consequences of its



breach.

7. The Court completely concurs with submission of the learned counsel appearing on behalf of the petitioner, but then fails to appreciate the conduct of the Superintendent of Police, Katihar and the Investigating Officer of the case that as to why benefit of Section 41(A) of the Cr.P.C. was not given to the petitioner. The Court for the present restrains itself from passing any adverse order against Ranjeet Prasad, learned Additional District & Sessions Judge, Vth, Katihar, the Superintendent of Police, Katihar and the Investigating Officer of the case, but then directs them to download the order dated 13.02.2024 passed in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar) for their perusal.

8. The Court expects that next time such mechanical orders would not be passed by the learned Additional District & Sessions Judge, Vth, Katihar and the Superintendent of Police, and the Investigating Officer of the case shall remain careful and shall ensure that the order dated 13.02.2024 passed in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar) is not breached with impunity, failing which the Court would be constrained to initiate departmental/contempt proceedings against the erring officials.



9. Let a copy of this order be sent to the learned Additional District & Sessions Judge, Vth, Katihar and the Superintendent of Police, Katihar for its onward communication to the learned Additional District & Sessions Judge, Vth, Katihar (Ranjeet Prasad) and the I.O. of the case for their perusal and necessary action.

(Satyavrat Verma, J)

Prakash Narayan

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