

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55744 of 2024

Arising Out of PS. Case No.-341 Year-2024 Thana- SONEPUR District- Saran

Sharvan Kumar @ Sharwan Kumar S/o Lal Babu Ray R/o vill - Govindchak,
P.S - Sonapur, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-09-2024 1. Heard the learned counsel for the petitioner and the learned APP Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in connection with Sonapur P.S. Case No.341/2024, registered for the offences punishable under Sections 393/34 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. At this stage, the learned counsel appearing on behalf of the petitioner submits that it appears that the learned Additional Sessions Judge-XII, Saran acts mechanically and has scant regards for the order of this court. It is further submitted that this Court by its order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) has clearly directed that as to how an accused is to be treated against whom an F.I.R. is instituted carrying punishment of 7 years and less



and the order dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) also records the consequences of its breach. The learned counsel next submits that the learned Additional Sessions Judge-XII, Saran in complete breach of the order dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) has passed the order impugned even without verifying that as to whether the petitioner was given the benefit of Section 41(A) of the Cr.P.C. or not. It is also submitted that petitioner is a person with clean antecedent.

7. The Court completely concurs with the submissions of the learned counsel appearing on behalf of the petitioner but then fails to appreciate the conduct of the Superintendent of Police, Saran at Chapra and the I.O. of the case that as to why the benefit of Section 41(A) of the Cr.P.C. was not given to the petitioner in compliance of the order dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

8. The Court for the present restrains itself from passing any adverse order against the learned Additional Sessions Judge-XII, Saran, the S.P., Saran at Chapra and the I.O. of the case, but then directs them to download the order dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari



vs. State of Bihar) for their perusal.

9. The Court expects that next time, such mechanical order would not be passed by the learned Additional Sessions Judge-XII, Saran and the S.P., Saran at Chapra and the I.O. of the case shall remain careful and shall ensure that the dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) is not breached with impunity, failing which, the Court would be constrained to initiate departmental/contempt proceeding against the erring judicial officer and the police officials.

10. Let a copy of this order be sent to the learned Sessions Judge, Saran at Chapra and the Superintendent of police, Saran at Chapra for its onward communication to learned Additional Sessions Judge-XII, Saran at Chapra and the I.O of the case for their perusal and necessary action.

11. The learned APP Mr. Chandra Bhushan Prasad shall also communicate the order to the Superintendent of Police, Saran at Chapra.

(Satyavrat Verma, J)

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