

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56634 of 2024

Arising Out of PS. Case No.-1577 Year-2023 Thana- DANAPUR District- Patna

Rakesh Ranjan Son of Godil Yadav R/V- VILLAGE- JHAPHARPUR, P.S.-
BARBIGHA, DISTT.- SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-08-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Mr. Rabindra Kumar.
2. The learned counsel for the petitioner submits that petitioner seeks anticipatory bail in connection with Danapur P.S. Case No. 1577 of 2023 for the offences punishable under Sections 419, 420 and 34 of the Indian Penal Code.
3. The learned APP submits that the offence for which the instant FIR has been instituted, carries punishment of seven years and less, the said submission of the learned APP is not disputed by learned counsel appearing on behalf of the petitioner.
4. The learned counsel for the petitioner submits that investigation in the case against the petitioner is still continuing and petitioner has not been granted the benefit of Section 41(A)



of the Cr.P.C, on which the learned APP submits that the case be disposed of in terms of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

5. In view of the submission made by the learned APP, the anticipatory bail application is disposed of in terms of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

6. The petitioner would be at liberty to file a representation before the concerned Superintendent of Police and the Investigating Officer of the case, within a period of three weeks from today, with a web copy of the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the state of Bihar); and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the directions contained in the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

7. At this stage, the learned counsel appearing on behalf of the petitioner submits that it appears that learned Additional Sessions Judge-VII, Danapur acts mechanically. It is further submitted that this Court by its order dated 13.02.2024 in



Criminal Miscellaneous 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 the breach of the order dated 13.02.2024 passed in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

8. The Court completely concurs with the submission of the learned counsel appearing on behalf of the petitioner but then fails to appreciate the conduct of the Superintendent of Police, West Patna and the I.O. of the case that as to why benefit of Section 41(A) of the Cr.P.C. was not given to the petitioner.

9. The Court, for the present, restrains itself from passing any adverse order against the learned Additional Sessions Judge-VII, Danapur, the S.P., West Patna 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. The Court expects that next time, such mechanical order would not be passed and the S.P., West Patna and the I.O. of the case shall remain careful and shall ensure that the order 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 contempt proceeding against the erring officials.

10. Let a copy of this order be sent to the learned Sessions Judge, Patna and Superintendent of Police, West Patna for its onward communication to the learned Additional Sessions Judge-VII, Danapur and the Investigating Officer of the case for their perusal and necessary action.

(Satyavrat Verma, J)

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