

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59204 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- CHIRAIYA District- East Champaran

Md Faruk @ Md. Farukh S/O Ashmullah Masoori R/O Village- Diphi, P.S-
Chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 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 seven years and less. 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 continuing, but then 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 Court completely fails to appreciate that as to why the learned District courts while rejecting the anticipatory bail application of accused persons in cases where punishment prescribed is seven years or less do not make endeavour to verify from the learned APP that as to whether the benefit of Section 41(A) of the Cr.P.C. was given to the accused or not. It amply manifests that the police is also failing in its duty in implementing the orders of this Court.

7. Off-let, it is coming to the notice of the Court that the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024



(Naushad Ansari vs. The State of Bihar) which has been passed in terms of the orders of the Hon’ble Supreme Court in the case of *Arnesh Kumar vs. the State of Bihar and another reported in (2014) 8 SCC 273, Md. Asfak Alam vs. the State of Jharkhand and another reported in 2023 Live Law (SC) 583* is being breached by the concerned Superintendent of Police of the districts and the Investigating Officers of the case.

8. If the breach of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 continues the court may consider the desirability of summoning the Director General of Police, Bihar Patna.

9. Let a copy of this order be sent to the learned Sessions Judge, East Champaran, Motihari and the Superintendent of Police, East Champaran, Motihari and to the Director General of Police, Bihar Patna for their perusal.

(Satyavrat Verma, J)

Prakash Narayan

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