

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59176 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Krishna Yadav Son of Tilak Yadav Resident of Village - Arjun Bigha, P.S. -
Magadh University, District – Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Shri. Chandra Bhushan Prasad.
2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Magadh
Medical College P.S. Case No. 93 of 2024 for the offences
punishable under Sections 420 and 406 of the Indian Penal
Code.
3. 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 learned counsel appearing on
behalf of the petitioner.
4. The learned counsel for the petitioner next submits



that investigation in the case against the petitioner is still continuing but then the 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 District and Sessions Judge-XII, Gaya acts in a mechanical manner, 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 as to how an accused is to be treated against whom an FIR is instituted carrying punishment of seven years and less but then the learned Additional District and Sessions Judge-XII, Gaya in a mechanical manner rejected the anticipatory bail of the petitioner even without verifying from the learned APP that as to whether the benefit of Section 41(A) of the Cr.P.C was given to the petitioner or not. It is further submitted that the order 13.02.2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar) also records the consequences of its breach. It is also submitted that Senior Superintendent of Police, Gaya and the Investigating Officer of the case also do not take the order of this Court seriously or else the benefit of Section 41(A) of the Cr.P.C would have been extended to the petitioner.

8. The Court completely concurs with the submission of the learned counsel appearing on behalf of the petitioner but then restrains itself from passing any adverse order against the erring judicial officer and the police officials.



9. Let a copy of this order be sent to the learned Sessions Judge, Gaya and Senior Superintendent of Police, Gaya for its onward communication to the learned Additional District and Sessions Judge-XII, Gaya and the Investigating Officer of the case for their perusal and necessary action.

(Satyavrat Verma, J)

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