

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59249 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Avdhesh Kumar @ Avdhesh Kumar Jaiswal @ Awdhesh Jaiswal Son of
Vaidhanath Prasad Jaiswal @ Baidhnath Jaiswal Resident of Village -
Maharaj Ji Chowk In front of Neta Ji Niwas, P.S. - Naugachia, District -
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Naugachia P.S. Case No. 144 of 2024, dated 29.04.2024
registered for the offences punishable under Sections 420 and 34
of the Indian Penal Code as well as Sections 63 and 65 of the
Copy Right Act, 1957.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Learned A.P.P., at the outset, submits that the offences
for which the instant FIR has been instituted against the petitioner
carry punishment of seven years and less.

5. The said submission of the learned A.P.P. is not
disputed by the learned counsel appearing on behalf of the



petitioner.

6. 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 learned A.P.P. submits that the case be disposed of in terms of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar).

7. In view of the submissions made by the learned A.P.P., the anticipatory bail application is disposed of in terms of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024.

8. 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 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the direction contained in the said order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024.

9. Let a copy of this order be sent to the learned Additional Sessions Judge-II, Naugachia and the Superintendent of Police, Naugachia for their perusal.

10. The Court expects that next time such mechanical order would not be passed and the police will ensure that in cases



where offences for which an FIR is instituted carrying punishment of seven years and less the accused be given the benefit of Section 41(A) of the Cr.P.C.

(Satyavrat Verma, J)

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