

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63645 of 2023

Arising Out of PS. Case No.-1154 Year-2022 Thana- BIHTA District- Patna

Bihari Yadav, Son Of Kamta Yadav Village- Parev PS- Bihta Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Bihta P. S. Case No.1154 of 2022 registered for the
offences punishable under Sections 341, 354(A), 354(B), 323,
379 and 34 of the I.P.C.

3. The learned Additional P. P. submits that the
offences for which the instant F.I.R. has been instituted carries
punishment of less than 7 years.

4. The said submission of the learned Additional P. P.
is not disputed by the learned counsel appearing on behalf of
the petitioner. The learned counsel for the petitioner further
submits that investigation against the petitioner in the case is



continuing and petitioner has not been given the benefit of Section 41(A) of the Cr.P.C., on which learned A.P.P. submits that anticipatory bail application be disposed of in terms of order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the State of Bihar).

5. In view of the submission made by the learned Additional P. P., 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).

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 13.02.2024 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 order dated 13.02.2024 in Cr. Misc. No.3536 of 2024.

7. The learned counsel for the petitioner, at this stage, submits that it appears that the learned Additional Sessions Judge-VI, Danapur, Patna (Mr. Brajesh Kumar Singh) acts mechanically. It is further submitted that this Court by its



order dated 13.02.2024 in Cr. Misc. 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 F.I.R. is instituted carrying punishment of 7 years and less. It is next submitted that the order also records the consequences of the breach of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the 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 Investigating Officer of the case that as to why the 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-VI, Danapur, Patna (Mr. Brajesh Kumar Singh), the Superintendent of Police, West, Patna and the Investigating officer of the case, but then, directs them to download the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the State of Bihar) for their perusal.

10. The Court expects that the next time, such



mechanical orders would not be passed by the learned Additional Sessions Judge-VI, Danapur, Patna (Mr. Brajesh Kumar Singh), the Superintendent of Police, West, Patna and the I.O. of the case shall remain careful and shall also ensure that the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the State of Bihar) is not breached with impunity, failing which the Court would be constrained to initiate departmental/contempt proceedings against the erring officials.

11. Let a copy of this order be sent to the learned Sessions Judge, Patna, the Superintendent of Police, West, Patna for onward communication to the Additional Sessions Judge-VI, Danapur, Patna (Mr. Brajesh Kumar Singh) and the I.O. of the case for their perusal and necessary action.

(Satyavrat Verma, J)

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