

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64719 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- GAYA MUFASIL District- Gaya

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1. Raju Kumar Singh @ Raju Singh Son of Late Prahlad Singh Resident of Village- Amra, P.S. Mufassil, District- Gaya
 2. Sikandar Kumar @ Sikandra Singh Son of Shiv Shankar Singh Resident of Village- Amra, P.S. Mufassil, District- Gaya
 3. Raushan Kumar Singh @ Raushan Kumar Son of Kamta Singh Resident of Village- Amra, P.S. Mufassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-10-2024 Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Mufassil P.S. Case No. 12 of 2024, dated 06.01.2024 registered for the offences punishable under Sections 147, 149, 341, 353, 323, 504, 506 of the Indian Penal Code and under Section 21 of MM(DR) Act, 1957 & Section 56 BM(CPIMTS) Rule, 2021.

3. Learned counsel for the petitioners submits that petitioners have one criminal antecedent.

4. Learned A.P.P., at the outset, submits that the offences for which the instant FIR has been instituted against



the petitioners carry punishment of seven years.

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

6. Learned counsel for the petitioners further submits that investigation in the case against the petitioners is still continuing but then petitioners have 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 in terms of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024.

8. The petitioners 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. At this stage, learned counsel for the petitioners submits that it appears that the learned Chief Judicial Magistrate, Gaya is passing orders in breach of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 as the impugned order does not even remotely reflect that before dismissing the anticipatory bail application whether any query was made from the learned A.P.P. as to whether benefit of Section 41(A) of the Cr.P.C. has been given to the petitioners or not.

10. The Superintendent of Police, Gaya shall ensure that breach of order 1302.2024 passed in Cr. Misc. No. 3536 of 2024 is not committed in future.

11. Let a copy of this order be sent to the learned Chief Judicial Magistrate, Gaya and the Superintendent of Police, Gaya for their perusal and onward communication of the order to the investigating officer of the case for necessary action.

(Satyavrat Verma, J)

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