

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2975 of 2024

In
CRIMINAL MISCELLANEOUS No.44912 of 2024

Dayanand Yadav @ Dayanand Prasad Son of Mosafir Yadav Resident of
Village- Budhaul, P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Gaya
2. Ashish Bhartee, Senior Superintendent of Police, Gaya.
3. Shankar Dayal Singh ASI cum Investigating Officer of the Case, P.S.- Bodh Gaya, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the Opposite Party/s : Mr. Manish Kumar, G.P.-4

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 03-09-2024 1. Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State.
2. The Senior Superintendent of Police, Gaya and the
Investigating Officer of the case are present in the Court in
compliance of the order dated 02.09.2024.
3. The Senior Superintendent of Police, Gaya submits
that a dereliction of duty has been committed by the
Investigating Officer of the case in not giving the benefit of
Section 41(A) of the Cr.P.C. to the petitioner. It is further
submitted that proper action would be initiated against the
Investigating Officer of the case. It is next submitted that now
notice under Section 41(A) of the Cr.P.C. has been given to the
petitioner.



4. Since the Senior Superintendent of Police, Gaya himself has explained that under what circumstances the notice under Section 41(A) of the Cr.P.C. was not given to the petitioner in time as such the Court is not inclined to proceed with the case any further.

5. However, the Court expects that the Senior Superintendent of Police, Gaya shall take appropriate action against the concerned Investigating Officer of the case who committed dereliction of duty in not complying with the orders of this Court dated 08.08.2024 passes in Cr. Misc. No. 44912 of 2024.

6. The personal appearance of the Senior Superintendent of Police, Gaya and the Investigating Officer of the case is dispensed with.

7. The Court is not inclined to proceed any further in the contempt proceeding.

8. Hence, the contempt application is, thus, dismissed.

(Satyavrat Verma, J)

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