

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74850 of 2023

Arising Out of PS. Case No.-225 Year-2023 Thana- BALIYA District- Begusarai

Abinash Kumar, Son Of Brahmdeo Yadav R/O Vill - Pratarpur, P.S. - Dandari,
Distt. - Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma- Advocate

Mrs. Namita Sharma- Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Ballia P. S. Case No.225 of 2023 registered for the
offences punishable under Section 7 of the E. C. Act.

3. The learned counsel for the petitioner next submits
that the offence for which the instant F.I.R. was instituted carries
punishment of less than seven years. It is further submitted that
this Court by an order dated **13.02.2024 in Cr. Misc. No.3536
of 2024 (Naushad Ansari vs. the State of Bihar)** had given
directions in terms of the order of the Hon'ble Supreme Court
that how an accused is to be dealt, when he is alleged to have
committed an offence which carries punishment of seven years
or less with or without fine.



4. It is next submitted that the Investigating Officer of the case arrested the petitioner in complete breach of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the State of Bihar). It is next submitted that the said order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the State of Bihar) was even communicated to the D.G.P., Bihar, the Principal Secretary Home, Government of Bihar and all the learned District Judges to ensure that the order is communicated to all the concerned, so that there is no breach of the order passed by the Hon'ble Supreme Court as detailed in the said order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the State of Bihar). It is further submitted that the Investigating Officer completely breached the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the State of Bihar) by arresting the accused without complying with the provisions of Section 41(A) of the Cr.P.C. and the learned Magistrate also remanded the petitioner in a mechanical manner in breach of the said order passed in the case of Naushad Ansari vs. the State of Bihar (**Supra**).

5. The Court, for the present, is not proceeding in the matter for the reason that the petitioner has been arrested, as such, the anticipatory bail application has become infructuous,



but then, let this order be communicated to the learned District Judge, Begusarai and the Superintendent of Police, Begusarai and in the event, if it is found that the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. the State of Bihar) was breached, in that even, the Superintendent of Police shall hold a departmental proceeding against the erring official and the learned District Judge shall report the matter to this Court for action in accordance with law.

6. The learned counsel for the petitioner, at this stage, submits that he will also file a contempt application.

7. Since the petitioner has been arrested, as such, the anticipatory bail application has become infructuous and thus, seeks permission to withdraw the present anticipatory bail application.

8. Permission is accorded.

9. Accordingly, instant petition is dismissed as withdrawn.

10. Let this order be communicated to the learned District Judge, Begusarai and the Superintendent of Police, Begusarai.

(Satyavrat Verma, J)

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