

# Sandeep Kumar Yadav vs The State Of Bihar on 8 October, 2024

**Author: Alok Kumar Pandey**

**Bench: Alok Kumar Pandey**

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.72952 of 2024  
Arising Out of PS. Case No.-30 Year-2024 Thana- MAHILA P.S District- W  
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Sandeep Kumar Yadav

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL ORDER

2 08-10-2024

As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. Learned A.P.P. for the State submits that the F.I.R. in connection with Bettiah Mahila P.S. Case No. 30 of 2024 for the alleged occurrence has been registered on 01.07.2024 under the provision of Section 154 of Cr.P.C. whereas the Bhartiya Nagarik Suraksha Sanhita, 2023 has already come into force w.e.f. 01.07.2024.

4. In the light of the aforesaid fact, let a report be called for from the Superintendent of Police, West Champaran at Patna High Court CR. MISC. No.72952 of 2024(2) dt.08-10-2024 Bettiah as to why the F.I.R. in the aforesaid case has not been registered under the relevant provision of the Bhartiya Nagarik Suraksha Sanhita, 2023 as the same has come into force w.e.f. 01.07.2024. The aforesaid report must reach to this court within a period of two weeks.

5. Learned counsel for the petitioner submits that the concerned police official has wrongly applied the provision of law for instituting the F.I.R. He further submits that while rejecting the prayer for bail of the petitioner, the concerned jurisdictional court has not taken into account the aspect of institution of F.I.R. wrongly under the old provision of Section 154 of Cr.P.C. despite the fact that

the Bhartiya Nagarik Suraksha Sanhita, 2023 came into force w.e.f. 01.07.2024.

6. Issue notice to the informant by registered post with A/D as well as by ordinary process, on steps being taken by the petitioner for filing requisites etc., within a period of one week after Puja holidays, returnable on 26.11.2024.

7. Mr. Sanjay Kumar Tiwari, learned A.P.P. for the State is also directed to ensure that the informant is served and shall also intimate the officer-in-charge of the concerned police station for the aforementioned service of notice to the informant.

8. For the reason of keeping the identity of the victim Patna High Court CR. MISC. No.72952 of 2024(2) dt.08-10-2024 undisclosed, I have referred to the informant as Ms. 'X', who shall be impleaded as opposite party no. 2, with her name being added on a separate sheet, which shall be kept in an envelope attached to the records and necessary amendment in the cause- title shall be made by the registry within a period of one week after Puja holidays.

9. Call for the legible copy of the case diary of Bettiah Mahila P.S. Case No. 30 of 2024 along with statement of the victim as well medical report, if any, from the Court of I/c A.C.J.M. VI, West Champaran at Bettiah.

10. List this matter on 26.11.2024.

(Alok Kumar Pandey, J) mcverma/-

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