

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13951 of 2025**

Arising Out of PS. Case No.-302 Year-2024 Thana- TEKARI District- Gaya

1. Rekha Devi W/O Sri Raj Kumar Keshari Resident of village- Rikabganj @ Rakibganj, P.S.- Tekari, District- Gaya
2. Raj Kumar Keshari S/O Late Mohan Lal Keshari Resident of village- Rikabganj @ Rakibganj, P.S.- Tekari, District- Gaya
3. Chanda Kumari D/O Sri Raj Kumar Keshari Resident of village- Rikabganj @ Rakibganj, P.S.- Tekari, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 13-05-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners submits that petitioners seek anticipatory bail in connection with Tekari P. S. Case No.302 of 2024 for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 74, 351(2), 351(3) and 3(5) of the B.N.S.

3. The learned APP Sri Chandra Bhushan Prasad, at the outset, submits that the offence for which the instant FIR has been instituted, carries punishment of seven years and less, the said submission of the learned APP is not disputed by learned counsel appearing on behalf of the petitioners.

4. The learned counsel for the petitioners next submits that investigation in the case against the petitioners is still



continuing, but then, the petitioners have not been given notice under Section 35 of the B.N.S.S.

5. At this stage, the learned A.P.P. submits that Section 35 of B.N.S.S. is akin to Section 41(A) of the Cr.P.C.

6. It is next submitted that this Court considered the scope of Section 41(A) Cr.P.C. by an order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar). The learned APP thus submits that petitioners be directed to file a representation before the authority concerned under Section 35 of B.N.S.S.

7. In view of the submission made by the learned counsel for the parties, the anticipatory bail application is disposed of with a liberty to the petitioners 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 in terms of Section 35 of B.N.S.S. and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case shall strictly adhere to the provisions contained in Section 35 of B.N.S.S.

(Satyavrat Verma, J)

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