

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7472 of 2025

Arising Out of PS. Case No.-453 Year-2024 Thana- GAYA KOTWALI District- Gaya

Rinki Jain wife of Dhiraj Jain Mohalla- Purani Godam Mir Safayat Ali Road,
Near Aanya (Aarya) Niwas, P.S. -Kotwali, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. Amit Kumar son of Late Virendra Singh village- Lakhibagh, Near Bulla Sahid, Ps- Muffasil, Dist- Gaya

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11194 of 2025

Arising Out of PS. Case No.-453 Year-2024 Thana- GAYA KOTWALI District- Gaya

Dhiraj Jain @ Dheeraj Jain S/o Mahavir Prasad Jain @ Mahabir Prasad R/o
Mohalla- Purani Godam, Mir Safayat Ali Road, Near Anya (Aarya) Niwas,
P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Amit Kumar S/o Late Virendra Singh R/o Lakhibagh, Near Bulla Sahid, P.S.- Muffasil, Distt.- Gaya

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7472 of 2025)

For the Petitioner/s : Mr. Madhukar Anand

For the Opposite Party/s : Mr. Rabindra Kumar

(In CRIMINAL MISCELLANEOUS No. 11194 of 2025)

For the Petitioner/s : Mr. Madhukar Anand

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 02-07-2025

Cr. Misc. No.7472/2025

1. Heard the learned Senior counsel for the petitioner

Mr. P.N.Sahi and the learned APP for the State along with



learned counsel appearing on behalf of the informant.

2. The petitioner apprehends her arrest in connection with Kotwali P.S. Case No.453/2024, registered for the offences punishable under sections 316(2), 318(4) of the B.N.S., 2023.

2. The learned Senior counsel appearing on behalf of the petitioner at the outset submits that petitioner has been given benefit of Section 35 B.N.S.S. as the offences for which the instant FIR has been instituted carries punishment of 7 years and less. It is also submitted that petitioner is availing the said benefit presently, as such, does not apprehend arrest for the present, thus seeks permission to withdraw the anticipatory bail application with liberty to file afresh if need arises.

3. Permission is accorded.

4. The anticipatory bail application of the petitioner is dismissed as withdrawn with aforesaid liberty.

Cr. Misc. No.11194/2025

1. Heard the learned Senior counsel for the petitioner Mr. P.N.Sahi and the learned APP for the State Mr. Chandra Bhushan Prasad along with learned counsel appearing on behalf of the informant.

2. The petitioner apprehends her arrest in connection with Kotwali P.S. Case No.453/2024, registered for the offences



punishable under sections 316(2), 318(4) of the B.N.S., 2023.

3. The learned APP at the outset submits that the offences for which the instant F.I.R. has been instituted against the petitioner carries a punishment of less than 7 years. The said submission of the learned APP is not disputed by the learned senior counsel appearing on behalf of the petitioner and the informant. The learned senior counsel for the petitioner next submits that when the FIR was instituted, at that time, the police did not issue notice under Section 35 B.N.S.S., as such the petitioner was constrained to move before this court seeking anticipatory bail. It is next submitted that the instant anticipatory bail application was taken up along with 7472/2025 (Rinki Jain vs. State of Bihar & Anr.) in which by an order dated 22.03.2025, this court had granted no coercive action against the petitioner.

4. The learned Senior counsel for the petitioner next submits that it appears that the Senior Superintendent of Police, Gaya is not aware of the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar), wherein this court had considered the scope of Section 41(A) Cr.P.C. It is also submitted that Section 35 B.N.S.S. is akin to Section 41(1) Cr.P.C. It is next submitted that it absolutely does not stand to



reason that wife of this petitioner namely Rinki Jain has been issued notice under section 35 BNSS but then the I.O. of the case for the reason best known did not issue notice to the petitioner under section 35 B.N.S.S.

5. At this stage, the learned APP submits that Section 35 B.N.S.S. is akin to Section 41(1) Cr.P.C. and this Court considers the scope of Section 41(A) of the Cr.P.C. by an order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar), thus submits that petitioner be directed to file a representation before the authority concerned in terms of Section 35 of the B.N.S.S.

6. After hearing the learned counsel for the parties, the anticipatory bail application is disposed of with a liberty to the petitioner to file a representation before the concerned Senior Superintendent of Police and the Investigating Officer of the case within a period of three weeks from today in terms of Section 35 B.N.S.S. and the concerned Senior Superintendent of Police shall ensure that the Investigating Officer of the case strictly adhere to the provision contained in Section 35 B.N.S.S.

7. Let a copy of this order be sent to the Senior Superintendent of Police, Gaya for his perusal. The Senior Superintendent of Police, Gaya shall read the order dated



13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

8. The Court expects that the Senior Superintendent of Police, Gaya shall make endeavour to ensure that the SHO and concerned I.O. are made aware of the law.

(Satyavrat Verma, J)

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