

Arising Out of PS. Case No.-456 Year-2024 Thana- ARA NAGAR District- Bhojpur

VIKASH KUMAR S/o Yogendra Prasad @ Yogendra Prasad Singh R/o vill -
Kulharia, ward no. 1, P.s.- Koilwar, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Shankar Kumar
For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-07-2025 1. Heard learned Senior counsel for the petitioner, Mr.
N.K. Agrawal and learned APP for the State.

2. The learned counsel for the petitioner submits that petitioner seeks anticipatory bail in connection with Ara Town P.S. Case No. 456 of 2024 registered for the offences punishable under Sections 318(4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 read with Sections 3 and 4 of the Bihar Examination of Control Act (Bihar Conduct of Examination Act).

3. The learned APP, at the outset, submits that the offences 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 Senior counsel appearing on behalf of the petitioner, but then the learned Senior counsel for the petitioner submits that investigation in the case against the petitioner is still



continuing, but petitioner has not been issued notice under Section 35 of BNSS.

5. Learned APP for the State, at this stage, submits that Section 35 BNSS is akin to Section 41A of Cr.P.C. It is next submitted that this Court considered the scope of Section 41A Cr.P.C. by an order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. The State of Bihar). Learned APP, thus, submits that petitioner be directed to file a representation before the authorities concerned under Section 35 BNSS.

6. After hearing 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 Superintendent of Police and the Investigating Officer of the case, within a period of three weeks from today, in terms of Section 35 BNSS; and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the provisions contained in Section 35 BNSS.

(Satyavrat Verma, J)

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