

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12796 of 2025

Arising Out of PS. Case No.-408 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Saiful Sahjad Khan @ Saifal Shahzad @ Saifal Shahzad Khan S/O Yasim Khan Resident of Village- Bangariya Tola, Murgiey, P.S.- Kuchaykot, District- Gopalganj
2. Rampreet Prasad S/O Bhuwan Prasad Resident of Village- Chauraw, P.S.- Kuchaykot, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mallika Mazumdar

For the Opposite Party/s : Ms. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-03-2025 1. Heard the learned counsel for the petitioners, the learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in connection with Kuchaikote P.S. Case No.408/2024, registered for the offences punishable under Sections 318(4), 316(2) and 3(5) of the B.N.S. Act, 2023.
3. The learned APP at the outset submits that the offences for which the instant F.I.R. has been instituted against the petitioners carries punishment of 7 years and less. The said submission of the learned APP is not disputed by the learned counsel appearing on behalf of the petitioners. The learned counsel for the petitioners further submits that the investigation



in the case against the petitioners is still continuing but then the petitioner has not been given notice under Section 35 of the B.N.S.S.

4. The learned APP at this stage submits that Section 35 B.N.S.S. is akin to Section 41 of the Cr.P.C. It is next submitted that 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).

5. The learned APP, thus submits that petitioners 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 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 B.N.S.S. and the concerned 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.

(Satyavrat Verma, J)

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