

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8867 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- GOPALPUR District- Patna

Bibha Devi W/O Sukla Malakar R/O Village and post- Bairiya, P.S- Gopalpur,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 02-07-2025 1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The learned counsel appearing on behalf of the petitioner submits that petitioner seeks anticipatory bail in connection with Gopalpur P.S. Case No. 281 of 2024 for the offences punishable under Section 140(3) of Bharatiya Nyaya Sanhita.
3. The learned APP, at the outset, submits that the offence for which the instant FIR has been instituted, carries punishment of seven years, the said submission of the learned APP is not disputed by learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the informant, but then the learned counsel appearing on behalf of the petitioner submits that investigation in the case against the petitioner is still continuing but the petitioner has not been issued notice under Section 35 of the



Bharatiya Nagrik Suraksha Sanhita (BNSS).

5. Learned APP for the State, at this stage, submits that Section 35 BNSS is akin to Section 41A 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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