

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14358 of 2025

Arising Out of PS. Case No.-610 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

Nagmani Yadav @ Nagmani Kumar S/o- Biss hundev Prasad @ Bishundev
Yadav Village- Dhira Bigha Ps- Makhdumpur Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv

For the Opposite Party/s : Mr. Rabindra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Shri Rabindra Kumar.

2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with
Makhdumpur P.S. Case No. 610 of 2024 for the offences
punishable under Sections 126(2), 74, 352, 351(2) of the
Bharatiya Nyaya Sanhita.

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 counsel appearing on
behalf of the petitioner.

4. The learned counsel for the petitioner submits that
investigation in the case against the petitioner is still continuing



but then the petitioner has not been given notice under Section 35 of the Bharatiya Nagrik Suraksha Sanhita (BNSS).

5. Learned APP, at this stage, submits that Section 35 BNSS is akin to Section 41(1)(b) Cr.P.C. It is next submitted that this Court considered the scope of Section 41(1)(b) 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.

7. Learned counsel appearing on behalf of the petitioner, at this stage, submits that the learned District Court, in mechanical manner without appreciating the order 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari



vs. the State of Bihar), rejects anticipatory bail.

8. Let a copy of this order be sent to the learned
Additional Sessions Judge-X, Jehanabad, for his perusal.

(Satyavrat Verma, J)

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