

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12720 of 2025

Arising Out of PS. Case No.-225 Year-2024 Thana- BAUNSI District- Araria

1. Bibi Jainab Khatoon @ Jainab Khatoon Wife of Islam Khalifa Resident of Vill- Milchowk Gunwanti, Dhamadaha Ward No. 9, P.S.- Bausi, District- Araria
 2. Islam Khalifa Son of Late Makbul Khalifa Resident of Vill- Milchowk Gunwanti, Dhamadaha Ward No. 9, P.S.- Bausi, District- Araria
 3. Md. Tabrez Khalifa @ Tabrez Alam Son of Islam Khalifa Resident of Vill- Milchowk Gunwanti, Dhamadaha Ward No. 9, P.S.- Bausi, District- Araria
 4. Imroz Khalifa @ Imroz Alam Son of Islam Khalifa Resident of Vill- Milchowk Gunwanti, Dhamadaha Ward No. 9, P.S.- Bausi, District- Araria
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Adv
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-03-2025 **1.** Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners submits that petitioners seek anticipatory bail in connection with Bausi P.S. Case No. 225 of 2024 for the offences punishable under Sections 190, 191(2), 126(2), 115(2), 118(1), 110 and 76 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 petitioners.



4. The learned counsel for the petitioners submits that investigation in the case against the petitioners is still continuing but then the petitioners have 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(A) Cr.P.C. It is next submitted that this Court considered the scope of Section 41(A) 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 petitioners 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 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 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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