

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12436 of 2025

Arising Out of PS. Case No.-90 Year-2024 Thana- BAIRGACHHAI District- Araria

Md. Shamsad Ansari @ Shamshad Ansari Son of Late Jamil Ansari Resident
of Village- Bairstachhi Momin Tola Ward No. 08, P.S.- Bairstachhi, Distt.-
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-03-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Bairstachhi
P.S. Case No. 90 of 2024 for the offences punishable under Section
303(2) of the Bharatiya Nyaya Sanhita and Sections 41 and 42 of
the Forest Act.
3. The learned APP, at the outset, submits that the
offences for which the instant FIR has been instituted, carries
punishment of less than seven years, 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(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 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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