

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14351 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- SABAUR District- Bhagalpur

1. Chandan Kumar Jha S/o- Sunil Kumar Jha Resident of Village- Sabour PS- Sabour, Dist- Bhagalpur
2. Aman Kumar Jha S/o- Sunil Kumar Jha Resident of Village- Sabour PS- Sabour, Dist- Bhagalpur
3. Raja Jha @ Raja Kumar Jha S/o- Ajit Jha Resident of Village- Sabour PS- Sabour, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar
For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 25-07-2025 1. Vide order dated 28.03.2025 and 13.05.2025 the prayer for anticipatory bail of petitioner no. 3 and petitioner no. 2 has already been dismissed as withdrawn respectively.
2. Heard learned counsel for the petitioner and learned APP for the State.
3. The learned APP for the State submits that in compliance of the order dated 13.05.2025, the SHO, Sabour P.S. and the S.I. Sabour P.S. District- Bhagalpur have filed their counter affidavit. Further, the explanation of the learned 19th Additional Sessions Judge, Bhagalpur and the learned Chief Judicial Magistrate, Bhagalpur is also on record.



4. The Court for the present does not intend to proceed any further, but then directs the learned District & Sessions Judge, Bhagalpur to ensure that order dated 13.02.2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar) is circulated within the Judgeship and the Superintendent of Police, Bhagalpur is also made aware of the said order.

5. The learned APP for the State, at the outset, submits that the offences for which the instant FIR has been instituted carry punishment of seven years and less, the said submission of the learned APP for the State is not disputed by the learned counsel appearing on behalf of the petitioner, but then submits that investigation in the case is continuing and petitioner has not been issued notice under Section 35 BNSS.

6. 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.

7. 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.

8. The explanation furnished by the learned 19th Additional Sessions Judge, Bhagalpur and the learned Chief Judicial Magistrate, Bhagalpur is accepted.

(Satyavrat Verma, J)

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