

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19600 of 2025

Arising Out of PS. Case No.-1040 Year-2024 Thana- JAHANABAD District- Jehanabad

Sindhu Kumar Kashyap Son of Ram Pravesh Sharma Resident of Village-
Ner Police Station Makhdumpur, Distt.- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent Mining Jehanabad Distt.- Jehanabad Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the Department of Mines.

2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Jehanabad
P.S. Case No. 1040 of 2024 for the offences punishable under
Sections 303(2) and 317(2) of 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 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 appearing on behalf of the
petitioner next 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 for the State, 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 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)

Rishabh/-

U		T	
---	--	---	--

