

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19620 of 2025**

Arising Out of PS. Case No.-1 Year-2025 Thana- FATUA RPF/POST District- Patna

1. Naushad Alam S/o Maqbool Ahmed R/o Street no.-A-9, Ramghat colony, Vill.- Vazirabad, P.S.- Burari, District- North Delhi- 110084
2. Aftab Alam S/o Maqbool Alam R/o Durgabari Colony, P.S.- Civil Line, Distt.- Gaya, Bihar

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Priya

For the Opposite Party/s : Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      23-04-2025                      1. Heard learned counsel for the petitioners and learned APP for the State.

2. The learned counsel for the petitioners submits that petitioners seek anticipatory bail in connection with RPF, Fathua Post P.S. Case No. 01 of 2025 for the offence punishable under Section 3 of Railway Protection Unlawful Possession Act.

3. The learned APP, at the outset, submits that the offence 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 petitioners.

4. The learned counsel appearing on behalf of the petitioners next 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 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 (Rail) 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/-

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