

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22161 of 2025

Arising Out of PS. Case No.-1604 Year-2024 Thana- PHULWARISHARIF District- Patna

Pappu Kumar S/o- Sri Gajendra Sharma Resident of Village- Gazachak,
Mohammadpur Phulwarisharif, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

Appearance :
For the Petitioner/s : Mr. Md Ansiur Rahman, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 15-05-2025

1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in connection with Phulwari Sharif (Janipur) P.S. Case No. 1604 of 2024, dated 19.10.2024 registered for the offences punishable under Sections 318 and 316(2) of the BNS.

3. Learned A.P.P., at the outset, submits that the offences for which the instant FIR has been instituted carry punishment of seven years and less.

4. The said submission of the learned A.P.P. for the State is not disputed by the learned counsel appearing on behalf of the petitioner.

5. Learned counsel appearing on behalf of the petitioner submits that the investigation in the case against the



petitioner is still continuing but then the petitioner has not been issued notice under Section 35 of the BNSS.

6. At this stage, learned A.P.P. submits that Section 35 of the BNSS is akin to Section 41(1)(b) of the Cr.P.C.

7. It is submitted that this Court considered the scope of Section 41(1)(b) of the Cr.P.C. by an order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar), as such, learned A.P.P. submits that the petitioner be directed to file a representation before the authorities concerned in terms of Section 35 of the BNSS.

8. The petitioner would be at liberty 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 of the BNSS and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the provision as contained in Section 35 of the BNSS.

9. Learned counsel for the petitioner, at this stage, submits that the learned District Courts in mechanical manner are rejecting the anticipatory bail application without appreciating the order of this Court dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 (Naushad Ansari Vs. The State of



Bihar).

10. Let a copy of this order be sent to the learned District
and Additional Sessions Judge-XXIX, Patna for his perusal.

(Satyavrat Verma, J)

Kundan/-

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

