

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19263 of 2025

Arising Out of PS. Case No.-760 Year-2024 Thana- BIDUPUR District- Vaishali

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1. Manoj Kumar S/o Moti Bhagat (Brother-in-Law) Resident of Mile Pakri, P.S.- Bidupur, District- Vaishali
 2. Daulatiya Devi Wife of Mullu Paswan (Sister-in-law) Resident of Mile Pakri, P.S.- Bidupur, District- Vaishali
 3. Kesiya Devi Wife of Moti Bhagat (Mother-in-law) Resident of Mile Pakri, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari Wife of Mantosh Kumar Resident of Mile Pakri, P.S.- Budipur, District- Vaishali. At present daughter of Ranjeet Paswan R/o Village- Murauvatpur, P.S.- Desri, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh
For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-04-2025 1. Heard the learned counsel for the petitioners through virtual mode and the learned APP for the State.
2. The petitioners apprehend their arrest in connection with Bidupur P.S. Case No.760/2024, registered for the offences punishable under Sections 126 (2), 115(2), 85 and 3(5) of the B.N.S. Act, 2023.
3. The learned APP at the outset submits that the offences for which the instant F.I.R. has been instituted against the petitioner carries punishment of less than 7 years. The said submission of the learned APP is not disputed by the learned counsel appearing on behalf of the petitioners virtually. The learned counsel for the petitioners, virtually, submits that



investigation in the case against the petitioners is continuing but then the petitioners have not been given notice under Section 35 of the B.N.S.S.

4. The learned APP at this stage submits that Section 35 B.N.S.S. is akin to Section 41(1)(b). It is next submitted that this Court considers the scope of Section 41(A) Cr.P.C. by an order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

5. The learned APP, thus submits that petitioners be directed to file a representation before the authority concerned in terms of Section 35 of the B.N.S.S.

6. After hearing the 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 B.N.S.S. and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adhere to the provision contained in Section 35 B.N.S.S.

(Satyavrat Verma, J)

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