

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22457 of 2025

Arising Out of PS. Case No.-301 Year-2024 Thana- SHRIKRISHNAPURI District- Patna

Samir Khan @ Md. Sameer S/O Md. Shahid R/o Lodipur Near Golder, P.S.-
Gandhi Maidan, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd Singh

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 16-05-2025 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. The petitioner apprehends his arrest in connection with Shri Krishna Puri P.S. Case No.301/2024, registered for the offences punishable under Section 304(2) of the B.N.S.S.
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 a punishment of 7 years and less. The said submission of the learned APP is not disputed by the learned counsel appearing on behalf of the petitioner. The learned counsel for the petitioner further submits that the investigation in the case against the petitioner is still continuing but then the petitioner has 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) Cr.P.C. It is next submitted that this Court considers the scope of Section 41(A) of the 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 petitioner 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 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 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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