

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22148 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- UJJIYARPUR District- Samastipur

1. Arjun Kumar @ Arjun Kumar Singh Son of Rampukar Singh R/o Village - Bazidpur PS-Ujjiarpur Distt -Samastipur
2. Ranveer Chourasiya @ Ranveer Kumar Chourasiya @ Dhandhan son of Ramjanak Chourasiya village- Chanchour, Ps- Ujjiarpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 15-05-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Ujjiarpur P.S. Case No. 326 of 2024, dated 05.12.2024 registered for the offences punishable under Sections 189(2), 126(2), 115(2), 118(1), 74, 352, 351(2), 351(3) and 303(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 less than seven years.

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 petitioners.



5. Learned counsel appearing on behalf of the petitioners submits that the investigation in the case against the petitioners is still continuing but then the petitioners have 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 petitioners be directed to file a representation before the authorities concerned in terms of Section 35 of the BNSS.

8. The petitioners 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 Senior Counsel for the petitioners, 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 5th
Additional Sessions Judge, Samastipur for his perusal.

(Satyavrat Verma, J)

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