

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24146 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- HALSI District- Lakhisarai

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Vinod Singh, Son of Late Kishori Singh Resident of Village- Baghaur, P.S.-
Halsi, District- Lakhisarai, Bihar- 811311

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alok Singh S/O- Late Kishori Singh Resident of Vill and P.O- Baghaur, P.S.-
Halsi, District- Lakhisarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Prasad Singh- Sr. Advocate Mr. Vaibhava Veer Shanker- Advocate
For the State	:	Ms. Sharda Kumari- A.P.P.
For the Informant	:	Mr. Ansul- Sr. Advocate Mr. Vijay Kumar- Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-05-2025 1. Heard learned senior counsel for the petitioner,

learned A.P.P. for the State and the learned senior counsel

appearing on behalf of the informant.

2. The learned senior counsel for the petitioner submits

that petitioner seeks anticipatory bail in connection with Halsi P. S.

Case No.326 of 2024 for the offences punishable under Sections

351(2), 352, 316(2) and 318(4) of the B.N.S.

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

offence for which the instant FIR has been instituted, carries

punishment of seven years and less, the said submission of the

learned APP is not disputed by learned senior counsel appearing

on behalf of the petitioner and the informant.



4. The learned senior counsel for the petitioner next submits that 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.

5. The learned A.P.P. submits that Section 35 of B.N.S.S. is akin to Section 41(A) of the Cr.P.C.

6. It is next submitted that this Court considered the scope of Section 41(A) Cr.P.C. by an order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar). The learned APP thus submits that petitioner be directed to file a representation before the authority concerned under Section 35 of B.N.S.S.

7. In view of the submission made by 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 of B.N.S.S. and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case shall strictly adhere to the provisions contained in Section 35 of B.N.S.S.

8. At this stage, the learned senior counsel appearing on behalf of the petitioner submits that the learned District Court in mechanical manner are rejecting anticipatory bail applications



with respect to offences which carries punishment of seven years and less and the Investigating Officer of the case in mechanical manner are proceeding and the Superintendent of Police of the concerned Districts are also not taking interest which amply demonstrates that the District Judiciary as well as the police are completely oblivious of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

9. Let a copy of this order be sent to the learned District & Additional Sessions Judge-7th, Lakhisarai, the Superintendent of Police, Lakhisarai and the Station House Officer, Halsi Police Station, Lakhisarai for their perusal.

10. The Court expects that from now onwards, the District Judiciary and the Superintendent of Police shall ensure compliance of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

(Satyavrat Verma, J)

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