

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21866 of 2025

Arising Out of PS. Case No.-222 Year-2024 Thana- NEORA District- Patna

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Arun Kumar S/O Ram Nandan Rai Resident of Village- Bela P.S.- Neora
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Sri Rajendra Narain, Sr. Advocate
		Ms. Usha Kumari Singh, Advocate
For the Opposite Party/s :		Sri Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-05-2025 1. Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Neora P.S. Case No. 222 of 2024, dated 18.11.2024
registered for the offences punishable under Sections 191(2),
324(4) and (5), 352, 351(2) and (3), 61(2) and 318(4) 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 Senior Counsel appearing on
behalf of the petitioner.

5. Learned Senior 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 Senior 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-II, Danapur for her perusal.

(Satyavrat Verma, J)

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