

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23070 of 2025

Arising Out of PS. Case No.-344 Year-2024 Thana- KOCHAS District- Rohtas

1. Usha Devi W/o Ganesh Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
2. Tanaman Ram S/o Namuna Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
3. Rohit Kumar @ Rohit Ram S/o Naresh Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
4. Dhananjay Kumar @ Dhanji Ram S/o Tanaman Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
5. Sukendra Kumar @ Sikandra Ram S/o Ganesh Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
6. Manoj Ram S/o Late Balchand Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
7. Ganesh Ram S/o Late Balchand Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
8. Sanjay Kumar @ Sanjay Ram S/o Tanaman Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
9. Lalita Devi W/o Tanamaan Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
10. Tuntun Kumar @ Tuntun Ram S/o Ganesh Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas
11. Ranjay Kumar @ Ranjan Ram S/o Naresh Ram Resident of vill- Korigan, P.S- Kochas, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Ram Anand
For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-05-2025 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The learned counsel for the petitioners submits that



petitioners seek anticipatory bail in connection with Kochas P.S. Case No. 344 of 2024 dated 22.11.2024 for the offences punishable under Sections 189(4), 191(2), 191(3), 190, 308(2), 303(2), 352 and 351(2) of Bharatiya Nyaya Sanhita.

3. The learned APP, at the outset, submits that the offences 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 counsel appearing on behalf of the petitioners.

4. The learned counsel appearing on behalf of the petitioners next submits that investigation in the case against the petitioners is still continuing but then the petitioners have not been given notice under Section 35 of the Bharatiya Nagrik Suraksha Sanhita (BNSS).

5. Learned APP for the State, at this stage, submits that Section 35 BNSS is akin to Section 41(1)(b) Cr.P.C. It is next submitted that this Court considered the scope of Section 41(1)(b) Cr.P.C. by an order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar). Learned APP, thus, submits that petitioners be directed to file a representation before the authorities concerned under Section 35 BNSS.



6. After hearing 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 BNSS; and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the provisions contained in Section 35 BNSS.

7. Let a copy of this order be communicated to the learned District & Additional Sessions Judge-IX, Rohtas at Sasaram for his perusal.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

