

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23460 of 2025

Arising Out of PS. Case No.-225 Year-2024 Thana- SATHI District- West Champaran

Himanshu Sharma Son of Radheshyam Sharma R/O Vill- Bahuarwa, P.S.-
Sathi, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma

For the Opposite Party/s : Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-04-2025 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Sathi P.S.
Case No. 225 of 2024 for the offences punishable under Sections
137(2) and 140(3) 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, the said submission of the learned APP
is not disputed by learned counsel appearing on behalf of the
petitioner.
4. The learned counsel appearing on behalf of the
petitioner next submits that investigation in the case against the
petitioner is still continuing but then petitioner has 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 petitioner 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 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 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 sent to the learned District & Sessions Judge, West Champaran at Bettiah for his perusal.

(Satyavrat Verma, J)

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