

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23063 of 2025

Arising Out of PS. Case No.-456 Year-2024 Thana- ATRI District- Gaya

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1. Ishwari Yadav @ Rajeshwari Yadav Son of Late Aitbar Yadav Village- Mafa PS -Atri Dist -Gaya
 2. Surendra Yadav son of Ishwari Yadav Village- Mafa PS -Atri Dist -Gaya
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-05-2025 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The learned counsel for the petitioners submits that
petitioners seek anticipatory bail in connection with Atri P. S.
Case No.456 of 2024 for the offences punishable under Sections
126(2), 115(2), 74, 352, 351(2), 303(2), 3(5) of Bhartiya Nyay
Sanhita, 2023.

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 counsel appearing on
behalf of the petitioners.

4. The learned counsel for the petitioners next submits
that investigation in the case against the petitioners are still



continuing, but then, the petitioners have 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(1)(b) of the Cr.P.C.

6. 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 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar). The learned APP thus submits that petitioners 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 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 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.

(Satyavrat Verma, J)

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