

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28485 of 2025

Arising Out of PS. Case No.-364 Year-2024 Thana- BARUN District- Aurangabad

Om Prakash Kumar @ Bhura Yadav @ Bhura Son of Binod Yadav village-
Jasoia, Ps- Mali, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Chandra Bhaskar
For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 207-05-2025
1.

Heard learned counsel for the petitioner and learned A.P.P. for the State.
2.

The learned counsel for the petitioner submits that petitioner seeks anticipatory bail in connection with Barun P.S. Case No. 364 of 2024 for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita.
3.

The learned APP, at the outset, submits that the offence for which the instant FIR has been instituted, carries punishment of less than 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 for the petitioner 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 Bharatiya Nagrik Suraksha Sanhita (BNSS).

5. Learned APP, 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.

(Satyavrat Verma, J)

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