

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24067 of 2025

Arising Out of PS. Case No.-205 Year-2024 Thana- Madhusudanpur District- Bhagalpur

Brahmdayal Choudhary Son of Late Shital Choudhary Resident of Village -
Noorpur, P.S. - Nathnagar (Madhusudanpur), District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Devi, Daughter of Bibhishan Chaudhary, Resident of Village - DVC
Road, Sabour, P.S. - Sabour, District - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vivekanand Vivek, Advocate
For the Opposite Party/s :	Mr. Yogendra Kumar, A.P.P. Mr. Chandra Shekhar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-04-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.
2. The petitioner apprehends his arrest in connection
with Madhusudanpur P.S. Case No. 205 of 2024, dated
04.12.2024 registered for the offences punishable under
Sections 85 and 82(2) 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 counsel appearing on behalf
of the petitioner and the opposite party no. 2.



5. Learned counsel appearing on behalf of the petitioner submits that the investigation of the case against the petitioner is still continuing but then the petitioner has not been issued notice under Section 35 of the BNSS. It is further submitted that this is the second FIR instituted by the opposite party no. 2 against the petitioner on similar allegations.

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. After hearing the learned counsel for the parties, the anticipatory bail application is disposed of in terms of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024.

9. 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 with a web copy of the order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 and the



concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the direction contained in the said order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar).

(Satyavrat Verma, J)

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