

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27908 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- Balwahat District- Saharsa

1. Lalan Paswan Son of Late Buchak Paswan R/o Khojuchak, P.O. and P.S.- Balwahat, District - Saharsa, State - Bihar.
2. Ankit Kumar Paswan @ Kumarjeet Kumar @ Ankit Paswan Son of Lalan Paswan R/o Khojuchak, P.O. and P.S.- Balwahat, District - Saharsa, State - Bihar.
3. Kanhaiya Kumar @ Kanhaiya Kumar Paswan @ Kanhaiya Paswan @ Kanhaiya Paswan Son of Lalan Paswan R/o Khojuchak, P.O. and P.S.- Balwahat, District - Saharsa, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhigyan Kumar

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-05-2025 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The learned counsel for the petitioners submits that petitioners seek anticipatory bail in connection with Balwahat P.S. Case No. 162 of 2024 for the offences punishable under Sections 316(2), 318(4) and 3(5) 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 year and less, the said submission of the learned APP is not disputed by learned counsel appearing on behalf of the petitioners and the informant.
4. The learned counsel appearing on behalf of the petitioners further submits that investigation in the case against the



petitioners is still continuing but then 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 sent to the learned Principal Sessions Judge, Saharsa for his perusal.

(Satyavrat Verma, J)

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