

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24536 of 2025

Arising Out of PS. Case No.-321 Year-2024 Thana- PALASI District- Araria

Md. Sabir S/O Sarra Resident of Village- Dighli, Ward No. 02, Palasi,
District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Noor Mai W/O Md. Sabir R/O Village- Dighli, Ward No. 02, P.S-
Palasi, Distt.- Araria, Present Address- D/O- Azim, R/O Village- Karor
Dighli, Ward No. 05, P.S- Palasi, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-05-2025
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 Palasi P.S.
Case No. 321 of 2024 for the offences punishable under Sections
126(2), 115(2), 85, 82(1), 352, 351(2), 351(3) and 3(5) of
Bharatiya Nyaya Sanhita.

3. The learned counsel for the petitioner seeks
permission to make rectification at Para-1 of the anticipatory bail
application as it has been submitted instead of BNS, inadvertently
I.P.C. has been typed.

4. Permission is accorded.

5. The learned APP, at the outset, submits that the



offences 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 petitioner.

6. The learned counsel appearing on behalf of the petitioner next 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).

7. 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 in terms of Section 35 BNSS.

8. 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.

9. Let a copy of this order be sent to the learned Principal District & Sessions Judge, Araria for his perusal.

(Satyavrat Verma, J)

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