

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27304 of 2025

Arising Out of PS. Case No.-127 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Nandali Mishra Son of Saryug Mishra Resident of Vill- Nagar Panchayat
Teghra, Ward No. 19, Daniyalpur, P.S.- Teghra, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv

Mr.Raju Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-08-2025 1. Heard learned senior counsel for the petitioner, Shri
N.K. Agarwal and learned A.P.P. for the State.

2. The learned senior counsel for the petitioner submits
that petitioner seeks anticipatory bail in connection with
Musarigharari P.S. Case No. 127 of 2024 for the offences
punishable under Section 304(2) of the 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 less than seven years, the said submission of the
learned APP is not disputed by learned senior counsel appearing
on behalf of the petitioner, but then it is submitted that
investigation in the case against the petitioner is still continuing
but the petitioner has not been given notice under Section 35 of the
Bharatiya Nagrik Suraksha Sanhita (BNSS).



4. Learned APP, at this stage, submits that Section 35 BNSS is akin to Section 41 Cr.P.C. It is next submitted that this Court considered the scope of Section 41A 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.

5. 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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