

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34970 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- SHASTRINAGAR District- Patna

Md Rizwan S/o Late Md. Ishlam R/o Mohalla- Samanpura, P.S.- Shastri
Nagar, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28909 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- SHASTRINAGAR District- Patna

Bhishan Singh @ Bhisham Singh Son of Late Hari Charan Singh village-
Sheikhpura Ps- Hawaii Adda (Old Sastri Nagar), Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Sundar Rai Son of Late Ram Kishun Rai village- Raja Bazar Pillar
No. 73, Ps- Shastri Nagar, Dist- patna

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34970 of 2025)

For the Petitioner/s : Mr.Rajendra Prasad

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 28909 of 2025)

For the Petitioner/s : Mr.Rajendra Prasad

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 20-08-2025 1. Heard learned counsel for the petitioners and learned

APP for the State, Shri Chandra Bhushan Prasad.

2. The S.H.O, Shastri Nagar Police Station and the
Investigating Officer of the case, in compliance of the order dated
19-8-2025, are present in the Court.

3. The SHO and the Investigating Officer of the case, at
the outset, submitted that a mistake has been committed by not



issuing notice under Section 35 BNSS to the petitioners, it is also submitted that they are aware of the law that as to what steps have to be taken when an FIR is instituted with respect to the offences which carries punishment of 7 years and less.

4. The SHO has assured this Court that by tomorrow notice under Section 35 BNSS shall be served on the petitioners.

5. Learned counsel appearing on behalf of the petitioners submits that the moment any notice under Section 35 BNSS is served on the petitioners, the petitioners will accept the same. Learned counsel for the petitioners thus submits that since notice under Section 35 BNSS shall be served on the petitioners, as such for the present, petitioners do not have any apprehension of arrest hence seeks permission to withdraw the anticipatory bail applications with liberty to file afresh, if need arises.

6. Permission is accorded.

7. Accordingly, the anticipatory bail applications are dismissed as withdrawn with the liberty aforesaid.

8. The personal appearance of the S.H.O, Shastri Nagar Police Station and the Investigating Officer of the case, is dispensed with.

(Satyavrat Verma, J)

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