

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37697 of 2025

Arising Out of PS. Case No.-298 Year-2024 Thana- ALAMNAGAR District- Madhepura

1. Milan Thakur S/O Late Tapeswar Thakur R/O Village- Mehdipur, Ward No. 13, P.S- Alamnagar, Distt.- Madhepura.
2. Abhishek Thakur @ Amrendra Thakur S/O Milan Thakur R/O Village- Mehdipur, Ward No. 13, P.S- Alamnagar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-06-2025 1. Heard learned counsel for the petitioners and learned APP for the State, Mr. Chandra Bhushan Prasad.
2. The learned counsel for the petitioners submits that petitioners seek anticipatory bail in connection with Alamnagar P.S. Case No. 298 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 75, 303(2), 352 and 351(2) of Bharatiya Nyaya Sanhita.
3. The learned APP for the State, 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 counsel appearing on behalf of the petitioners.
4. The learned counsel appearing on behalf of the petitioners next submits that investigation in the case against the



petitioners is still continuing but then the 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 41A of the 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 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 communicated to the learned Sessions Judge-Madhepura for his perusal.

(Satyavrat Verma, J)

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