

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37879 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- MANSI District- Khagaria

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1. Dular Chaudhary S/o Jago Chaudhary Resident of Vill.- Sigarsama, PO-Fango, P.S.- Mansi, Distt.- Khagaria
 2. Bidur Chaudhary S/o Jago Chaudhary Resident of Vill.- Sigarsama, PO-Fango, P.S.- Mansi, Distt.- Khagaria
 3. Surveer Chaudhary @ Surbir Kumar S/o Jago Chaudhary Resident of Vill.- Sigarsama, PO- Fango, P.S.- Mansi, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Poddar Suresh Gandhi
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-06-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 1 (Dular Chaudhary), who was arrested during pendency of the instant anticipatory bail application.
3. Permission is accorded.
4. Accordingly, the instant anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 1.
5. The learned counsel for the petitioners submits that petitioners seek anticipatory bail in connection with Mansi P.S. Case No. 65 of 2025 for the offences punishable under Sections



115(2), 126(2), 352, 303(2), 351(2), 351(3), 308(2), 3(5) of the Bharatiya Nyaya Sanhita.

6. 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.

7. The learned counsel for the petitioners 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), on which learned APP 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 41(A) 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.

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 District Judge, Khagaria and the Superintendent of Police, Khagaria, for their perusal.

10. The Court expects that the learned District Judge, Khagaria and the Superintendent of Police, Khagaria shall go through the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

(Satyavrat Verma, J)

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