

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37614 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- CHAPRA TOWN District- Saran

Shekhar Prasad S/O Late Shivji Sah R/O Vill.- Sahebganj, P.s.- Chapra Town,
Dist.- Sara.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Ms. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-06-2025 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Chapra Town P.S. Case No.10/2025, registered for the
offences punishable under Sections 316, 318(4), 3(5) of the
B.N.S. Act. Later on Section 317(2) of B.N.S. Act is added.

3. The learned APP at the outset submits that the
offences for which the instant F.I.R. has been instituted against
the petitioner carries punishment of less than 7 years. The said
submission of the learned APP is not disputed by the learned
counsel appearing on behalf of the petitioner. The learned
counsel for the petitioner further submits that the investigation
in the case against the petitioner is still continuing but then the
petitioner has not been given notice under Section 35 of the



B.N.S.S.

4. The learned APP at this stage submits that Section 35 B.N.S.S. is akin to Section 41(1)(b) Cr.P.C. It is next submitted that this Court considers the scope of Section 41(A) of the Cr.P.C. by an order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

5. The learned APP, thus submits that petitioner be directed to file a representation before the authority concerned in terms of Section 35 of the B.N.S.S.

6. After hearing the 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 B.N.S.S. and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adhere to the provision contained in Section 35 B.N.S.S.

7. The Court completely fails to appreciate that as to why the learned District and Additional Sessions Judge-14th, Saran at Chapra rejected the anticipatory bail application without directing the petitioner to seek his remedy in terms of Section 35 B.N.S.S.



8. Let a copy of this order be sent to the learned District and Additional Sessions Judge-14th, Saran at Chapra and the Superintendent of Police, Saran at Chapra for its onward communication to the learned District and Additional Sessions Judge-14th, Saran at Chapra and I.O. of the case for their perusal.

9. The Court expects that the learned District and Additional Sessions Judge-14th, Saran at Chapra shall go through the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

(Satyavrat Verma, J)

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