

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37677 of 2025

Arising Out of PS. Case No.-123 Year-2025 Thana- MUFFASIL District- West Champaran

Shekh Sarfaraj @ Sk. Sarfranj @ Sarfranj Alam @ Sarafaraj Alam S/o- Late
Md. Hassan @ Late Shekh Mahmud Village- Beldari Ps- Bettiah Muffasil
Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-06-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Bettiah Muffasil P. S. Case No.123 of 2025 registered
for the offences punishable under Sections 303(2), 325 and 3(5)
of the B.N.S. and Section 11(1)(a) of Animal Cruelty Act.

3. The learned APP, at the outset, submits that the
offence 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 petitioner.

4. The learned counsel for the petitioner next submits
that 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. The learned A.P.P. submits that Section 35 of B.N.S.S. is akin to Section 41(A) of the Cr.P.C.

5. It is next submitted that this Court considered the scope of Section 41(A) Cr.P.C. by an order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar). The learned APP thus submits that petitioner be directed to file a representation before the authority concerned under Section 35 of B.N.S.S.

6. In view of the submission made by 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 of B.N.S.S. and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case shall strictly adhere to the provisions contained in Section 35 of B.N.S.S.

(Satyavrat Verma, J)

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