

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53419 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- MAHKAR District- Gaya

Naulesh Kumar Son of Kameshwar Yadav village- Harsingra, Ps- Sarabahada
(mahkar), Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-08-2025 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Mahkar P.S.
Case No. 05 of 2025 for the offences punishable under Sections
303(2), 317(2), 324(4) and 3(5) of Bharatiya Nyaya Sanhita.

3. The learned APP, 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 petitioner, but
then it is submitted that investigation in the case against the petitioner
is continuing but then the petitioner has not been issued notice under
Section 35 of the Bharatiya Nagrik Suraksha Sanhita (BNSS).

4. Learned APP for the State, at this stage, submits that
Section 35 BNSS is akin to Section 41 of the Cr.P.C. It is next



submitted that this Court considered the scope of Section 41A of 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.

5. After hearing 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 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.

(Satyavrat Verma, J)

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