

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38097 of 2025

Arising Out of PS. Case No.-221 Year-2024 Thana- TAJPUR District- Samastipur

Amrendra Kumar Roy @ Bhola Rai @ Bhola Ray @ Arvind Rai S/o- Late
Shatrudhan Ray @ Late Shatrudhan Roy @ Late Shatrudhan Prasad Ray
Resident of Village-Nikaspur PS- Tajpur District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 21-08-2025 1. Heard learned counsel for the petitioner and
learned APP for the State
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 115(2), 76,
352, 351(2) and 303(2) of the BNS, 2023.
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 seven years and less. It is
further submitted that law is well settled that for offences which
carries punishment of seven years and less in such cases, arrest
is not automatic, rather the police has to resort to a procedure as
envisaged under Section 35 of the BNSS. It is further submitted
that from pleadings made in the anticipatory bail application, it



cannot be culled out that petitioner has any apprehension of arrest. It is further submitted that in such cases where an FIR is instituted with respect to offence which carries punishment of seven years and less, the police first has to issue notice under Section 35 BNSS, thereafter only the petitioner can approach a Court of competent jurisdiction seeking anticipatory bail based on apprehension, if the same is culled out from the facts of the case.

4. At this stage, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the anticipatory bail application with liberty to an application before the concerned Superintendent of Police in terms of Section 35 BNSS.

5. Permission is accorded.

Accordingly, the present anticipatory bail application is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

