

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37567 of 2025

Arising Out of PS. Case No.-95 Year-2024 Thana- Kumarbagh District- West Champaran

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Anuj Sharma @ Anuj Kumar Sharma S/O Late Punyadev Sharma @ Late
Pundev Sharma Resident of Vill- Bhatwaliya, P.S.- Majhauriya, Dist- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The petitioner apprehend his arrest in a case
registered for the offences punishable under Sections 334 (2)
and 303(2) of the Bharatiya Nyaya Sanhita.

3. The learned APP at the outset submits that the
offences for which the instant FIR has been instituted, carries
punishment less than 7 years, the said submission of the
learned APP is not disputed by the learned counsel appearing
on behalf of the petitioner.

4. The learned counsel for the petitioner submits
that investigation in the case against the petitioner is still
continuing but then petitioner has not been given notice under
Section 35 of the B.N.S.S. At this stage, the learned APP



submits that Section 35 B.N.S.S akin to Section 41 of Cr.P.C. It is next submitted that this Court considered the scope of Section 41 Cr.P.C. by an order dated 13.02.2024 in Cr. Misc. No. 3536 of 2024 (Naushad Ansari vs. The State of Bihar), as such the learned APP submits that petitioner be directed to file a representation before the authorities concerned under Section 35 B.N.S.S.

5. After hearing the learned counsel for the parties, the anticipatory bail application is disposed of with the liberty to the petitioner to file a representation before the concerned Superintendant 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 Superintendant of Police shall ensure that the Investigating Officer of the case strictly adheres to the provisions contained in Section 35 B.N.S.S.

6. The Court completely fails to appreciate that as to why the learned Additional Sessions Judge II, West Champaran, Bettiah rejected the anticipatory bail application of the petitioner without resorting to the remedy of Section 35 B.N.S.S. Let a copy of this order be sent to the learned District Judge, West Champaran for its onward



communication to the learned Additional Sessions Judge, II,
West Champaran, Bettiah for his perusal.

(Satyavrat Verma, J)

Raj Ranjan/-

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