

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37875 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- NIRMALI District- Supaul

1. Manoj Sharma @ Manoj Kumar Sharma S/o Late Krishnawatar Sharma R/o Village- Nirmali, PS- Nirmali, District- Supaul
2. Amit Sharma @ Amit Kumar Sharma S/o Late Krishnawatar Sharma R/o Village- Nirmali, PS- Nirmali, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-06-2025 1. Heard the learned Senior counsel for the petitioners
Mr. Krishna Prasad Singh and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Nirmali P.S. Case No.36/2025, registered for the offences punishable under Sections 132, 126(2), 115(2), 352, 351(2) and 3(5) of the B.N.S. Act.

3. The learned APP at the outset submits that the offences for which the instant F.I.R. has been instituted against the petitioners carries punishment of 7 years and less. The said submission of the learned APP is not disputed by the learned Senior counsel appearing on behalf of the petitioners. The learned Senior counsel for the petitioners further submits that the investigation in the case against the petitioners is still continuing but then the petitioners have 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 petitioners 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 petitioners 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. Let a copy of this order be sent to the learned District and Sessions Judge, Supaul and the Superintendent of Police, Supaul for their perusal.

(Satyavrat Verma, J)

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