

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42914 of 2025

Arising Out of PS. Case No.-483 Year-2024 Thana- AKBARPUR District- Nawada

Md Rakib Ansari @ Rakib Ali Son of Md Allaiddin Miyan R/o Vill - Ektara
P.S- - Thali, Distt.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Umme Habiba Praveen Wife of Md. Rakib Ansari, D/o Mukhtar Ansari R/O
Makdumpur Rajhat, P.S Akbarpur, Distt.- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-07-2025 1. Heard the learned counsel for the petitioner and the

learned APP for the State Mr. Chandra Bhushan Prasad along

with learned counsel appearing on behalf of the informant Mr.

Deepak Kumar.

2. The petitioner apprehends his arrest in connection
with Akbarpur P.S. Case No.483/2024, registered for the
offences punishable under Sections 126 (2), 115(2), 85, 351(2),
352 and 3(5) of the B.N.S.S. & Section 4 of the D.P. Act.

3. The learned APP at the outset submits that the
offences for which the instant F.I.R. has been instituted against
the petitioner carries a punishment of less than 7 years. The said
submission of the learned APP is not disputed by the learned



counsel appearing on behalf of the petitioner and the informant.

The learned counsel for the petitioner further submits that the investigation in the case against the petitioner is still continuing but then the petitioner has not been issued 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 petitioner 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 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 with a web copy of the order, 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 Judge, Nawada for its onward communication to the learned District and Additional Sessions Judge-II, Nawada for his perusal.

8. It is made clear that for the present, the Court is not seeking any explanation from the learned District and Additional Sessions Judge-II, Nawada but then he is directed to go through the order dated 13.02.2024 in Cr. Misc. No.3536/2024.

(Satyavrat Verma, J)

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