

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46727 of 2025

Arising Out of PS. Case No.-597 Year-2023 Thana- KOTWALI District- Patna

1. Ranjana Srivastava W/o Chandrashekhar Kumar Resident of Village - South Mandiri, P.S. - Kotwali, District - Patna, presently residing at 11/J/13-B, Road No. 12, Rajendra Nagar, P.S.- Kadam Kuan, Dist- Patna
2. Abhinav Verma S/o Chandrashekhar Kumar R/o South Mandiri, P.S.- Kotwali, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 30-08-2025 1. Heard learned counsel for the petitioners Mr. Ranjan Kumar Srivastava, learned A.P.P. for the State Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant Mr. Sangeet Deokuliar.
2. The S.H.O., Kotwali P.S. and the Investigating Officer of the case, in compliance of the oral order of the Court are present in the Court. The S.H.O. at the outset submits that notice under Section 35 BNSS has been issued on all the accused persons, on which, learned counsel appearing on behalf of the petitioners submits that till date notice under Section 35 BNSS has not been served on petitioner no.1 Ranjana Srivastava.



3. The learned APP Mr. Chandra Bhushan Prasad at this stage submits that in order to cut the controversy short, the notice under Section 35 BNSS shall be served on petitioner no.1 Ranjana Srivastava on or before 01.09.2025, on which, the learned counsel appearing on behalf of the petitioners submits that petitioner no.1 shall willingly receive the notice.

4. The learned counsel appearing on behalf of the petitioners next submits that the law is clear that where an FIR has been instituted with respect to offences carrying punishment of seven years and less, the arrest is not automatic rather if the police intends to arrest the accused in such offences, in that event, the police will have to seek permission of the learned Magistrate and in the event if the learned Magistrate permits the police to arrest the accused, in that event, apprehension of arrest will arise, as such, it is submitted that since notice under Section 35 BNSS shall be served on petitioner no.1 on 01.09.2025, as such, for the present the petitioners do not have any apprehension of arrest, and thus seeks permission to withdraw the anticipatory bail application with liberty to file a fresh, if need arises.

5. Permission is accorded.

6. The anticipatory bail application is dismissed as



withdrawn with the aforesaid liberty.

7. The personal appearance of the S.H.O., Kotwali
P.S. and the I.O. of the case is dispensed with.

(Satyavrat Verma, J)

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