

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42915 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- SURYAGARHA District- Lakhisarai

1. Md. Naushad S/o Md. Usman R/o Village- Mohammadpur, P. S. - Surajgarha, District- Lakhisarai.
2. Md. Azad S/o Md. Usman R/o Village- Mohammadpur, P. S. - Surajgarha, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, 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 petitioners and the learned APP for the State Mr. Chandra Bhushan Prasad.

2. The petitioners apprehend their arrest in connection with Surajgarha P.S. Case No.120/2025, registered for the offences punishable under Sections 305 & 3(5) of the B.N.S.S.

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 up to 7 years. The said submission of the learned APP is not disputed by the learned counsel appearing on behalf of the petitioners and the informant. The learned 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 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 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 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, Lakhisarai for its onward communication to the learned District and Additional Sessions Judge-III, Lakhisarai



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-III, Lakhisarai 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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