

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42058 of 2025

Arising Out of PS. Case No.-703 Year-2024 Thana- DEHRI TOWN District- Rohtas

Anil Kumar Gupta S/O Deni Prasad Gupta R/O Ward no. 38, Tar Bangala,
Dehari, PS-Dehri Town and Distt-Rohtas, Bihar, Pin code-821307

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Chandra, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The learned APP, at the outset, submits that the offences for which the instant FIR has been instituted carries punishment of less than 7 years. The said submission of the learned APP is not disputed by the learned counsel for the petitioner, but then it is submitted that investigation against the petitioner is continuing, but then the petitioner has not been given notice under Section 35 of BNSS.

3. Learned APP at this stage, submits that section 35 BNSS is a kin to section 41 Cr.P.C. It is next submitted that Section 41A Cr.P.C. by an order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar), the learned APP thus, submits that petitioner be directed to file a



representation before the authorities concerned, under Section 35 BNSS.

4. After hearing learned counsel for the parties for some times, the anticipatory bail application is disposed of with the 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, along with the web copy of the instant order, in terms of the Section 35 BNSS and the concerned Superintendent of Police shall ensure that the investigating officer of the case strictly adhere to the provisions contained in Section 35 BNSS.

(Satyavrat Verma, J)

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