

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44136 of 2025

Arising Out of PS. Case No.-33 Year-2024 Thana- AMJOR District- Rohtas

Narendra Prasad @ Santosh Prasad S/O Awadhesh Sao R/O Village- Adhari,
P.S- Chorui, Dist.- Bhojpur, Ara, Presently residing at R/O C-2/1665, Sector-
7, P.O- Rohini, Distt.- North, West Delhi (New Delhi).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Amjhore
P.S. Case No. 33 of 2024 for the offences punishable under
Sections 303(2), 318(4) and 3(5) of the Bharatiya Nyaya
Sanhita.

3. The learned APP, at the outset, submits that the
offences for which the instant FIR has been instituted, carries
punishment of seven years and less, the said submission of the
learned APP is not disputed by learned counsel appearing on
behalf of the petitioner, but then it is submitted that
investigation in the case against the petitioner is still continuing



but then the petitioner has not been given notice under Section 35 of the Bharatiya Nagrik Suraksha Sanhita (BNSS).

4. Learned APP, at this stage, submits that Section 35 BNSS is akin to Section 41 Cr.P.C. It is next submitted that this Court considered the scope of Section 41A Cr.P.C. by an order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar). Learned APP, thus, submits that petitioner be directed to file a representation before the authorities concerned under Section 35 BNSS.

5. After hearing 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, in terms of Section 35 BNSS; and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the provisions contained in Section 35 BNSS.

6. Let a copy of this order be sent to the learned District and Sessions Judge, Rohtas at Sasaram for its onward communication to learned District and Additional Sessions Judge-XI, Rohtas at Sasaram for his perusal.

7. For the present, the Court is not seeking any



explanation from the learned District and Additional Sessions Judge-XI, Rohtas at Sasaram but then directs the learned District and Additional Sessions Judge-XI, Rohtas at Sasaram to read the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

(Satyavrat Verma, J)

Sumit/-

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