

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42044 of 2025

Arising Out of PS. Case No.-343 Year-2024 Thana- ATRI District- Gaya

=====

SANTU YADAV @ SANTU KUMAR S/O BALCHAND YADAV
RESIDENT OF VILLAGE- CHAHAL MUDERA, P.S.- ATRI, DISTRICT-
GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj
For the Opposite Party/s : Mr. Lakshmi Kant Sharma

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-07-2025 1. Heard the learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Atri P.S. Case No.343/2024, registered for the offences
punishable under Sections 126(2), 115(2), 132, 190, 303(2),
317(2), 351(2), 352 of the B.N.S. 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 7 years and less. The said
submission of the learned APP is not disputed by the learned
counsel appearing on behalf of the petitioner. The learned
counsel for the petitioner further submits that the investigation
in the case against the petitioner is still continuing but then no



notice under Section 35 of the B.N.S.S. has been given to the petitioner.

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 along with web copy of the instant 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.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

