

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44071 of 2025**

Arising Out of PS. Case No.-22 Year-2025 Thana- BANDEYA District- Aurangabad

Sohan Kumar @ Sohan Paswan S/o Late Ramsharan Paswan R/o Village-  
Teri, P.S.- Mehandia, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh- A.P.P.

**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 Bandeya P.  
S. Case No.22 of 2025 for the offences punishable under  
Sections 316(2) and 318(4) of the B.N.S., 2023.

3. The learned APP, at the outset, submits that the  
offence 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.

4. The learned counsel for the petitioner next submits  
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 B.N.S.S. The learned A.P.P. submits that Section 35 of B.N.S.S. is akin to Section 41(A) of the Cr.P.C.

5. It is next submitted that this Court considered the scope of Section 41(A) Cr.P.C. by an order dated 13-2-2024 passed in Criminal Miscellaneous 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 authority concerned under Section 35 of B.N.S.S.

6. In view of the submission made by 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 in terms of Section 35 of B.N.S.S. and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case shall strictly adhere to the provisions contained in Section 35 of B.N.S.S.

**(Satyavrat Verma, J)**

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