

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47663 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- BHAPTIAHI District- Supaul

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1. Lakshmi Narayan Mehta @ Laxmi S/O Late Ramfal Mehta R/O Vill.- Nonpar, Ward No.-14, P.S. - Bhaptiyahi, District - Supaul, State - Bihar-852215.
 2. Sanjay Kumar S/O Lakshmi Narayan Mehta @ Laxmi R/O Vill.- Nonpar, Ward No.-14, P.S. - Bhaptiyahi, District - Supaul, State - Bihar-852215.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-07-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners submits that petitioners seek anticipatory bail in connection with Bhaptiyahi P. S. Case No.83 of 2025 for the offences punishable under Sections 126(2), 115(2), 76, 303(2), 351(2), 352(2) and 3(5) of the B.N.S.

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 petitioners.



4. The learned counsel for the petitioners next submits that investigation in the case against the petitioners is still continuing, but then, the petitioners have 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 petitioners 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 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 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.

7. Let a copy of this order be sent to the learned District Judge, Supaul for its onward communication to the



learned Additional Sessions Judge-2nd, Supaul for his perusal.

8. It is directed that the learned Additional Sessions Judge-2nd, Supaul shall read the judgment dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

9. The Court for the present is not seeking any explanation.

(Satyavrat Verma, J)

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