

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47594 of 2025

Arising Out of PS. Case No.-364 Year-2024 Thana- RAHUI District- Nalanda

Parsuram Sao @ Parsuram Kumar @ Pashuram Sao S/O Sanjay Sao R/O
Village-Tufanganj, PS-Rahui, Distt-Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi @ Arti Kumari W/O Parsuram Sao @ Parsuram Kumar @
Pasuram Sao, D/O Amirakk Sao Present R/O Mohalla- Sundergarh, PS-
Bihar, Distt-Nalanda And permanent resident of vill- Tufanganj, P.S.- Rahui,
Distt-Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-07-2025 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Rahui
(Bhagan Bigha) P.S. Case No. 364 of 2024 for the offences
punishable under Sections 126(2), 115(2), 85, 303(2), 352 and
3(5) of Bharatiya Nyaya Sanhita, 2023.

3. The learned APP for the State, at the outset, submits
that the offences for which the instant FIR has been instituted,
carry punishment of less than seven years, 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 continuing, but then petitioner has not been given notice under Section 35 of the Bharatiya Nagrik Suraksha Sanhita (BNSS).

5. Learned APP for the State, at this stage, submits that Section 35 BNSS is akin to Section 41A Cr.P.C. It is next submitted that this Court considered the scope of Section 41 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.

6. 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.

7. Let a copy of this order be sent to the learned District & Sessions Judge-Nalanda at Biharsharif for its onward communication to the learned Additional Sessions Judge-II,



Nalanda at Bihar Sharif for his perusal.

8. The learned Additional Sessions Judge-II, Nalanda at Bihar Sharif is directed to go through the order dated 13.02.2024 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 from the learned Additional Sessions Judge-II, Nalanda at Bihar Sharif.

(Satyavrat Verma, J)

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