

Arising Out of PS. Case No.-73 Year-2025 Thana- BARHARIA District- Siwan

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... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-07-2025

1. Heard the learned counsel for the petitioner and the PP for the State along with learned counsel appearing of the informant.

2. The petitioner apprehends his arrest in connection with Barharia P.S. Case No.73/2025, registered for the offences punishable under Sections 126(2), 115(2), 318(4), 316(2), 352, 351(2) and 3(5) 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 and the informant. The learned counsel for the petitioner further submits that the 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.

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 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.

7. Let a copy of this order be sent to the learned Sessions Judge, Siwan for its onward communication to the learned District and Additional Sessions Judge-8th, Siwan for his perusal.



8. The learned District and Additional Sessions Judge-
8th, Siwan is directed to read the order dated 13.02.2024 in Cr.
Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar).

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

(Satyavrat Verma, J)

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