

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47674 of 2025

Arising Out of PS. Case No.-499 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Raj Kishor Chaudhary S/o Lakshman Chaudhary R/o Village- Makhdumganj,
Police station- Chapra Muffasil, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Uday Chand Prasad

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 Chapra
Muffasil P.S. Case No. 499 of 2024 for the offences punishable
under Sections 303(2), 317(2) 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 seven years and less, 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-Saran at Chapra for its onward communication to the learned District & Additional Sessions Judge-XIII, Saran at Chapra for his perusal.

8. The learned District & Additional Sessions Judge-



XIII, Saran at Chapra is directed to read 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 learned District & Additional Sessions Judge- XIII, Saran at Chapra.

(Satyavrat Verma, J)

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