

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49414 of 2025

Arising Out of PS. Case No.-310 Year-2025 Thana- BIDUPUR District- Vaishali

1. Arun Paswan Son of Dasai Paswan Resident of village- Saidpur Ganesh, P.s.- Bidupur, District - Vaishali
2. Santosh Kumar @ Santosh Paswan Son of Vishwanath Paswan. Resident of village- Saidpur Ganesh, P.s.- Bidupur, District - Vaishali
3. Randhir Kumar @ Randhir Paswan @ Randhir Kumar Paswan Son of Raghunath Paswan Resident of village- Saidpur Ganesh, P.s.- Bidupur, District - Vaishali
4. Surendra Paswan @ Sulendra Paswan Son of Late Dewan Paswan Resident of village- Saidpur Ganesh, P.s.- Bidupur, District - Vaishali
5. Nepal @ Nepal Paswan Son of Harichandra Paswan Resident of village- Saidpur Ganesh, P.s.- Bidupur, District - Vaishali
6. Anand Mohan Kumar @ Shrikant Kumar @ Srikant Paswan Son of Suresh Paswan Resident of village- Saidpur Ganesh, P.s.- Bidupur, District - Vaishali
7. Angad Kumar @ Angad Paswan Son of Jagarnath Paswan Resident of village- Saidpur Ganesh, P.s.- Bidupur, District - Vaishali
8. Gujar Paswan @ Kundan Kumar Son of Salendra Paswan Resident of village- Saidpur Ganesh, P.s.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-08-2025 1. Heard the learned counsel for the petitioners and the learned APP for the State.
2. The petitioners apprehend their arrest in connection with Bidupur P.S. Case No.310/2025, registered for the offences punishable under Sections 126 (2),132, 263 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 petitioners carries a punishment of 7 years and less in the nature of allegation as alleged in the FIR. The said submission of the learned APP is not disputed by the learned counsel appearing on behalf of the petitioners. The learned counsel for the petitioners further submits that the 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.

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 petitioners 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 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 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.

(Satyavrat Verma, J)

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