

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47728 of 2025

Arising Out of PS. Case No.-913 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Rajeev Ray @ Rajeev Kumar @ Rajeev Kumar Rai S/O Satya Narayan Ray
R/O village- Daulatpur Deoria, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Pooja Kumari @ Pooja Ray @ Sadia Parveen D/O Ramji Ray R/O village-
Daulatpur Deoria, P.S.- Hajipur Sadar, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Adv
For the Opposite Party/s : Mr.Ahmad Ali, APP
Mr. Mritunjay Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 230-07-2025
1.

Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.
2.

The learned counsel for the petitioner submits that petitioner seeks anticipatory bail in connection with Hajipur Sadar P.S. Case No. 913 of 2024 for the offences punishable under Sections 85 and 82(1) of the Bharatiya Nyaya Sanhita.
3.

The learned counsel for the petitioner, at the outset, submits that inadvertently at para-3 of the anticipatory bail application, it has been pleaded that petitioner is a person with clean antecedent, when he has antecedent of one case under Section 498A of the IPC, which was instituted by the instant



informant, who is his wife.

4. The learned APP, at this stage, submits that the offences for which the instant FIR has been instituted, carries 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 and the informant.

5. The learned counsel for the petitioner submits that investigation in the case against the petitioner is still continuing but then the petitioner has not been given notice under Section 35 of the Bharatiya Nagrik Suraksha Sanhita (BNSS).

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

7. 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.

8. Let a copy of this order be sent to the learned District Judge, Vaishali at Hajipur, for its onward communication to the learned Additional Sessions Judge-V, Vaishali at Hajipur.

9. The learned Additional Sessions Judge-V, Vaishali at Hajipur, is directed to read the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

10. The Court, for the present, is not seeking any explanation from the learned Additional Sessions Judge-V, Vaishali at Hajipur.

(Satyavrat Verma, J)

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