

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47566 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- MALI District- Aurangabad

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Pawan Kumar S/O Shankar Paswan Village- Chainpur Bhatulia, PS- Mali,
District- Auranagabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh

For the Opposite Party/s : Mr.Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-07-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Mali P. S.
Case No.111 of 2025 for the offences punishable under Sections
317(2), 317(5) and 3(5) of the B.N.S.
3. The learned APP, at the outset, submits that the
offence for which the instant FIR has been instituted, carries
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.
4. The learned counsel for the petitioner next 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 B.N.S.S. The learned A.P.P. submits that Section 35 of B.N.S.S. is akin to Section 41(A) of the Cr.P.C.

5. It is next submitted that this Court considered the scope of Section 41(A) Cr.P.C. by an order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar). The learned APP thus submits that petitioner be directed to file a representation before the authority concerned under Section 35 of B.N.S.S.

6. In view of the submission made by 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 of B.N.S.S. and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case shall strictly adhere to the provisions contained in Section 35 of B.N.S.S.

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

8. It is directed that the learned Additional Sessions



Judge-VIIIth, Aurangabad shall read the judgment dated 13-2-2024 passed 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.

(Satyavrat Verma, J)

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