

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49476 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- NUAOW District- Kaimur (Bhabua)

1. Dilip Kumar Singh S/O Dal Singar Singh Resident Of Village- Garrah, P.S- Nuaon, Distt.- Kaimur (Bhabhua).
2. Guria Devi W/O Dilip Kumar Singh Resident Of Village- Garrah, P.S- Nuaon, Distt.- Kaimur (Bhabhua).
3. Krishan Murari Singh S/O Dal Singar Singh Resident Of Village- Garrah, P.S- Nuaon, Distt.- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Chandra Shekhar, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-08-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in connection with Nuaon P.S. Case No. 40 of 2025, dated 04.04.2025 registered for the offences punishable under Sections 318(4), 316(2) and 3(5) of the BNS.
3. Learned A.P.P., at the outset, submits that the offences for which the instant FIR has been instituted carry punishment of seven years and less.
4. The said submission of the learned A.P.P. for the State is not disputed by the learned counsel appearing on behalf of the petitioners.
5. Learned counsel appearing on behalf of the



petitioners submits that the investigation of the case against the petitioners is still continuing but then the petitioners have not been issued notice under Section 35 of the BNSS.

6. At this stage, learned A.P.P. submits that Section 35 of the BNSS is akin to Section 41(1)(b) of the Cr.P.C.

7. It is submitted that this Court considered the scope of Section 41(1)(b) of the Cr.P.C. by an order dated 13.02.2024 passed in Cr. Misc. No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar), as such, learned A.P.P. submits that the petitioners be directed to file a representation before the authorities concerned in terms of Section 35 of the BNSS.

8. In view of the aforesaid submissions made by the learned A.P.P., the anticipatory bail application is disposed of with 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 of the BNSS and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the provision contained in Section 35 of the BNSS.

(Satyavrat Verma, J)

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