

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51587 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- Sonki District- Darbhanga

Shanti Devi W/O Baidyanath Mukhiya R/O Dekulichati, PS-Sonki, Distt-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Baxi S.R.P. Sinha, Sr. Adv Mr. Ramendra Kumar Bharti, Advocate
For the Opposite Party/s :	Mr. Aditya Narayan Singh. I Mr. Uma Shankar Singh, Advocate Mr. Alok Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-09-2025 **1.** Heard learned senior counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
- 2.** The petitioner apprehends her arrest in connection with Sonki P.S. Case No.40/2025, registered for the offences punishable under Sections 318(4), 308(3), 351(2) and 3(5) of the B.N.S.
- 3.** The learned APP at the outset submits that the offences for which the instant F.I.R. has been instituted against the petitioner carries punishment of 7 years and less. The said submission of the learned APP is not disputed by the learned senior counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the informant.
- 4.** At this stage, the learned senior counsel for the



petitioner submits that the 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.

5. The learned APP, at this stage, submits that Section 35 B.N.S.S. is akin to Section 41 Cr.P.C. It is next submitted that this Court considered 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).

6. The learned APP, thus submits that petitioner be directed to file a representation before the authority concerned in terms of Section 35 of the B.N.S.S.

7. After hearing 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 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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