

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54581 of 2025

Arising Out of PS. Case No.-394 Year-2024 Thana- BIRPUR District- Supaul

=====

Raman Kumar @ Raman Kumar Sharma @ Chotu Son of Chandrashekhar
Sharma Resident of Village - Basantpur, Police Station - Birpur, District -
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun, Advocate.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-08-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Chandra Bhushan Prasad.

2. The S.H.O., Birpur and the Investigating Officer of
the case, in compliance of the order dated 27.08.2025, are
present in the Court. The Investigating Officer of the case
submits that notice under Section 35 BNSS was served on the
mother of the petitioner on 12.12.2024 but then she refused to
accept the same, on which, the learned counsel appearing on
behalf of the petitioner submits that his mother is illiterate and
to the knowledge of the petitioner, no such effort was made by
the police to serve the notice under Section 35 BNSS. At this
stage, the S.H.O., Birpur P.S. submits that notice under Section
35 BNSS shall be served on the petitioner on 01.09.2025, on
which, the learned counsel appearing on behalf of the petitioner



submits that petitioner will receive the notice.

3. The learned counsel for the petitioner next submits that the law is clear that where an FIR has been instituted with respect to offences carrying punishment of seven years and less, the arrest is not automatic rather if the police intends to arrest the accused in such offences, in that event, the police will have to seek permission of the learned Magistrate and in the event if the learned Magistrate permits the police to arrest the accused, in that event, apprehension of arrest will arise, as such, it is submitted that since notice under Section 35 BNSS shall be served on the petitioner on 01.09.2025, as such, for the present the petitioner does not have any apprehension of arrest, and thus seeks permission to withdraw the anticipatory bail application with liberty to file a fresh, if need arises.

5. Permission is accorded.

6. The anticipatory bail application is dismissed as withdrawn with the aforesaid liberty.

7. The personal appearance of the S.H.O., Birpur P.S. and the I.O. of the case is dispensed with.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

