

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53348 of 2025

Arising Out of PS. Case No.-80 Year-2025 Thana- SUPAUL District- Supaul

Sachen Kumar, Son of Buchan Yadav Resident of Village - Khuti, Police Station - Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta

For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2025 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 Supaul P. S. Case No.80 of 2025 for the offences punishable under Sections 319(2) and 318(4) of the B.N.S. and Section 10 of the Bihar Conduct Examination Act, 1981.

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.

(Satyavrat Verma, J)

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