

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54377 of 2025

Arising Out of PS. Case No.-238 Year-2025 Thana- KANTI District- Muzaffarpur

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Sujeet Kumar S/O Virendra Kumar Mahto Resident of Village-Sadatpur, P.S-
Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakchhi Kumari D/O Bablu Sah R/O Village- Sadpura Milki Tola, P.S- Kazi
Mohammadpur, Distt.- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party/s : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-08-2025 1. Heard learned counsel for the petitioner, learned

APP for the State, Mr. Rabindra Kumar and the learned counsel

appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 126(2),

127(2), 115(2), 191(2) and 85 of the BNS, 2023 read with

Sections 3 and 4 of the D.P. Act.

3. The learned APP for the State, at the outset,

submits that the offences for which the instant FIR has been

instituted carries punishment of seven years and less. It is

further submitted that law is clear that there is no automatic

arrest of an accused when he is implicated in a case where



punishment is seven years and less. It is further submitted that if the police has to make arrest in that event a procedure has to be adopted i.e., notice under Section 35 BNSS is to be given, on which the learned counsel appearing on behalf of the petitioner submits that petitioner has not been given any notice under Section 35 BNSS, as such, the learned APP submits that since no notice has been given to the petitioner under Section 35 BNSS, as such, for the present the petitioner does not have any apprehension of arrest.

4. At this stage, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the anticipatory bail application with liberty to file afresh, if need arises.

5. Permission is accorded.

6. Accordingly, the present anticipatory bail application is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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