

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54347 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Sumant Kumar @ Vicky Kumar, S/O Rajesh Kumar R/O Vill.- Bhuswar, P.S.-
Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Binod Kumar No.3- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-08-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The learned A.P.P., at the outset, submits that the offences for which instant FIR has been instituted carries punishment of seven years and less. It is next submitted that law is clear that there is no automatic arrest of an accused if the offence for which the FIR has been instituted carries punishment of seven years and less. It is further submitted that the anticipatory bail application does not even remotely suggest that notice under Section 35 B.N.S.S. has been issued to the petitioner, on which the learned counsel appearing on behalf of the petitioner submits that till date, petitioner has not been issued notice under Section 35 of B.N.S.S., as such, the learned A.P.P. submits that since notice under Section 35 B.N.S.S. has



not been issued. Hence, for the present, there is no apprehension of arrest of the petitioner.

3. The learned counsel appearing on behalf of the petitioner, at this stage, seeks permission to withdraw the present anticipatory bail application with liberty to file a fresh, if need arises.

4. Permission is accorded.

5. Accordingly, instant petition is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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