

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53444 of 2025

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

LALIT KUMAR LAL DEV S/O Late Mahesh Lal Dev Resident of Village-
Dekulichatti, Police Station- Sonki, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Ms. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-08-2025

1. Heard the learned counsel for the petitioner and the

learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his 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.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 counsel appearing on behalf of the petitioner and the informant. The learned counsel for the petitioner further 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.

4. The learned APP at this stage submits that Section 35 B.N.S.S. is akin to Section 41(1)(b) 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).

5. 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.

6. 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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