

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54597 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- KISHANGANJ District- Kishanganj

Paltu Sah @ Paltu Lal Sah S/o Late Kapil Sah R/o Village - Motibagh, Ward
no. 7, P.S - Kishanganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Abdul Mannan Khan, Advocate.
Mr. Hafiz Shahbaz Arif, Advocate.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 330-08-20251. Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Chandra Bhushan Prasad.
2. The S.H.O., Kishanganj P.S. and the Investigating
Officer of the case, in compliance of the order dated 27.08.2025,
are present in the Court. The S.H.O. 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 The anticipatory bail application is dismissed as withdrawn with the aforesaid liberty.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., Kishanganj P.S. and the I.O. of the case is dispensed with.

(Satyavrat Verma, J)

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