

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68329 of 2024

Arising Out of PS. Case No.-424 Year-2024 Thana- ARARIA District- Araria

1. JAFAR ALAM @ MD. JAFAR ALAM Son of Md. Shafi Alam Village- Gaiyari Ps Dist- Araria, P/A- Sahangaon W.No-16, Ps- Amaur Dist- Purnea
2. Hannan @ Abdul Hannan Son of Md. Anwar Village- Gaiyari, Ward No-14 Ps Dist- Araria
3. Masroor @ Md. Masroor Alam Son of Md. Shafi Alam Village- Sisauna Ps Dist- Araria, P/A- Sahangaon W.No-16, Ps- Amaur Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr. Adv Mr. Vijay Kishore Bharti, Adv Mr. Pankaj Kumar Jha, Adv
For the Opposite Party/s :	Mr. Rabindra Kumar, Adv Mr. Adarsh Kumar, Adv Mr. Rabish Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 09-04-2025 **1.** Heard learned senior counsel for the petitioners, Shri N.K Agrawal, learned A.P.P. for the State, Shri Rabindra Kumar, and the learned counsel appearing on behalf of the informant.
- 2.** The petitioners seek anticipatory bail in connection with Araria P.S. Case No. 424 of 2024 for the offences punishable under Sections 126(2), 115(2), 303(2), 308(3) and 3(5) of the Bharatiya Nyaya Sanhita (BNS).
- 3.** The learned APP, at the outset, submits that the offences for which the instant FIR has been instituted, carries



punishment of less than seven years and all the sections are bailable except Section 303(2) BNS, which carries punishment of three years, the said submission of the learned APP is not disputed by learned senior counsel appearing on behalf of the petitioners and the informant.

4. The learned senior counsel for the petitioners next submits that investigation in the case against the petitioners is continuing but then the petitioners have not been given notice under Section 35 of the Bharatiya Nagrik Suraksha Sanhita (BNSS).

5. Learned APP, at this stage, submits that Section 35 BNSS is akin to Section 41(A) Cr.P.C. It is next submitted that this Court considered the scope of Section 41(A) Cr.P.C. by an order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar). Learned APP, thus, submits that petitioners be directed to file a representation before the authorities concerned under Section 35 BNSS.

6. After hearing learned counsel for the parties, the anticipatory bail application is disposed of with a liberty to the petitioners 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 BNSS; and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the provisions contained in Section 35 BNSS.

(Satyavrat Verma, J)

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