

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17940 of 2025**

Arising Out of PS. Case No.-262 Year-2024 Thana- KHAJAULI District- Madhubani

1. Pawan Kumar Yadav S/O Uttimlal Yadav Resident of village- Behta, P.O- Behta, P.S-Khajouli, District- Madhubani.
2. Lalu Kumar Singh S/O Kari Singh R/O Village- Korahia, P.S- Jaynagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Bihar Mines and Minerals Department, Govt. of Bihar, Patna. Bihar
2. Secretary, Bihar Mines and Minerals Department, Government of Bihar, Patna. Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prabhakar Thakur  
For the Opposite Party/s : Mr. Arun Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 3      23-07-2025      1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the Department of Mines.
2. The learned counsel for the petitioners submits that petitioners seek anticipatory bail in connection with Khajauli P.S. Case No. 262 of 2024 for the offences punishable under Sections 303(2) and 317(2) of Bharatiya Nyaya Sanhita read with Section 21 of the Mines and Minerals Development Regulation Act and Section 56 of the Bihar Minerals Concession Prevention of Illegal Mining Transportation and Store Rules.
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, the said submission of the learned APP is not



disputed by learned counsel appearing on behalf of the petitioners and the Department of Mines, but then the learned counsel appearing on behalf of the petitioners submits that investigation in the case against the petitioners is continuing but then petitioners have not been issued notice under Section 35 of the Bharatiya Nagrik Suraksha Sanhita (BNSS).

4. Learned APP for the State, at this stage, submits that Section 35 BNSS is akin to Section 41A Cr.P.C. It is next submitted that this Court considered the scope of Section 41A 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 petitioner be directed to file a representation before the authorities concerned under Section 35 BNSS.

5. 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)**

Rishabh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

