

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36471 of 2025

Arising Out of PS. Case No.-575 Year-2024 Thana- GAYA MUFASIL District- Gaya

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Arun Kumar S/o Shambhu Yadav R/o Vill- Jafara, P.S.- Belaganj, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Muffasil P.S. Case No. 575 of 2024, dated 07.07.2024, lodged under Sections 319(2), 318(4) and 61 of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and Sections 3 & 4 of the Examination Act, pending before the Court of C.J.M., Gaya.

3. As per the prosecution, FIR has been lodged against two named accused persons, including the present petitioner, alleging that the petitioner sat in the examination hall on behalf of the other accused person and was apprehended by the police.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



further submits that the petitioner is seeking anticipatory bail in the present matter.

5. Learned APP for the State raised preliminary objection regarding the maintainability of this case and submits that, from the contents of the FIR, it is clear that both the accused persons were first detained by the school authorities and subsequently apprehended by the local police, which is specifically mentioned in the FIR. However, it is very surprising to this Court that the petitioner has moved for anticipatory bail, and it is also surprising that the learned Sessions Judge, Gaya, did not acknowledge the fact that, as per the FIR, the accused persons had already been arrested, yet entertained the anticipatory bail application of an arrested accused.

6. On this ground alone, that according to the FIR, in which the petitioner is seeking anticipatory bail, the petitioner has already been arrested, this Court hereby rejects the anticipatory bail application.

7. However, this Court directs the Principal District & Sessions Judge, Gaya, to hold an enquiry that under what circumstances, anticipatory bail filed by the petitioner has been entertained in spite of the facts mentioned in *fardbayan* of the FIR which indicates that the accused persons were taken into



police custody. It is further directed that the enquiry shall be concluded within two weeks from the date of receipt/communication of this order, and the outcome shall also be communicated to this Court.

8. The Registry is directed to transmit a copy of this order to the Principal District & Sessions Judge, Gaya, forthwith, by fax, e-mail, or any other appropriate mode of communication for its compliance.

(Dr. Anshuman, J.)

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