

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47282 of 2025

Arising Out of PS. Case No.-393 Year-2024 Thana- HASPURA District- Aurangabad

Shivdayal Chaudhary S/O Dinesh Chaudhary R/O Vill- Kodra, P.S.- Paligunj,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv.
		Mr. Adarsh Singh, Adv.
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-07-2025 Heard Mr. Y. C. Verma, Learned Senior Counsel

with Mr. Adarsh Singh, Advocate, for the petitioner and Learned

A.P.P for the State.

2. The petitioner is apprehending arrest in connection
with Haspura P.S. Case No.393 of 2024, for the offence
punishable under Section 137(2) of the BNS, 2023, which is
pending before Addl. Sessions Judge-VI-cum- The special
Exclusive Judge (POCSO), Aurangabad.

3. Learned senior counsel for the petitioner submits
that this plea specifically taken in the pleading of the
anticipatory bail filed before the Sessions Court that Section
137(2) of the BNS, 2023 is bailable in nature, but even then I.O.
is adamant to arrest the petitioner.



4. Counsel for the State raised preliminary objection and submits that section 137(2) of the BNS, 2023 imposed punishment of imprisonment upto 7 years, but in the BNS, it is bailable in nature and therefore, according to him, this anticipatory bail is not maintainable.

5. Hence, in the light of the above discussions, the present anticipatory bail application is hereby rejected as not maintainable with liberty to the petitioner to avail his remedy under law within 4 weeks.

(Dr. Anshuman, J.)

Prakashmani/-

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