

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51531 of 2025**

Arising Out of PS. Case No.-283 Year-2024 Thana- RAFIGANJ District- Aurangabad

Sanjay Paswan S/o- Tetar Paswan Village- Gewal Bigha PS-Rafiganj Distt-  
Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Ashok Kumar Singh, Advocate  
For the Opposite Party : Mr.Binod Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      20-08-2025                      Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 316(2), 318(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the State submits that during investigation police has given benefit of section 35(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023, as such, anticipatory bail is not maintainable.

4. From perusal of the impugned order, it is clear that the petitioner is already on police bail. This Court, in case of **Mahendra Prasad Singh Vs. State of Bihar**, reported in **2004(3) P.L.J.R., 491** has held that once accused persons are granted privilege of police bail, they must honour the terms of police bail. Upon surrendering, petitioner is entitled to apply for bail, and the court is instructed to consider this application in alignment with the principle established in the cited case.

5. In view of the observation of this Court made in the aforesaid case, petitioner is directed to surrender before the Court below within a period of eight weeks from today. In case,



petitioners surrender and file an application for bail, the concerned Court will pass order in the similar manner as has been decided in the case of **Mahendra Prasad Singh (Supra)**.

6. With the above directions/observations, this application is disposed of.

**(Prabhat Kumar Singh, J)**

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