

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No.1509 of 2026.

Chaitanya Krishna

..... **Petitioner**

Versus

The State of Bihar

**Order
No.**

Date

O R D E R

12 16-06-2026

1. The **petitioner, Chaitanya Krishna**, seeks anticipatory bail in connection with **Shastri Nagar P.S. Case No. 285/2026**, registered under Sections 115(2), 126(2), 127(2), 308(3), 308(5), 351(2), 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. Heard Sri Hemant Kumar, learned counsel for petitioner and Sri Rajesh Kumar, learned Public Prosecutor for State.
3. The prosecution case in brief is that the informant, Ajit Kumar, approached a firm named *Arthav Legal Services*, located within the jurisdiction of Shastri Nagar Police Station, seeking professional assistance. In February 2020, he came into contact with the petitioner, Chaitanya Krishna, who allegedly induced him to pay Rs. 5,000/- on the pretext of completing certain work. After receiving the money, the petitioner avoided the informant and failed to perform the promised task, thereby cheating him.
4. On 02.04.2026, at about 8:20 PM, when the informant contacted the petitioner over phone demanding either completion of the work or refund of the money, the petitioner allegedly abused him and threatened to kill him. The following day, on 03.04.2026, the informant, accompanied by his friend Pankaj Kumar, went to the petitioner's office to confront him. It is alleged that the petitioner, along with co-accused Manish Yadav and Alok Kumar, acting in furtherance of their common intention, misbehaved with them, snatched their mobile phones, and switched off the CCTV cameras.
5. The victims were allegedly wrongfully confined and brutally assaulted for nearly two hours with weapons, causing both physical injuries and psychological trauma. The accused are further said to have abused and threatened them with dire consequences, attempted to outrage their modesty by compelling them to perform

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indecent acts, and forcibly took their Aadhaar cards while coercing them to sign blank papers under threat of a country-made pistol.

6. It is further alleged that the accused demanded Rs. 10,000/- for the return of their mobile phones and humiliated them by forcing them to remove their shirts and perform obscene acts. They also attempted to make the victims consume intoxicating substances and continued the assault. Ultimately, after extorting Rs. 2,000/- from Pankaj Kumar, the accused returned the mobile phones but warned them not to report the incident. They allegedly forced the victims to pose with weapons, took photographs, and threatened to create and circulate morphed obscene content using AI.
7. Learned counsel for the petitioner submits that the only non-bailable offence alleged is under Section 308(5) BNS, which carries a maximum sentence of ten years. It is argued that the petitioner has been falsely implicated.
8. It is contended that the informant was employed as an Office Attendant in the petitioner's firm and had access to confidential records, client details, electronic data, the office computer, WhatsApp Web, and financial dealings of the firm. During the course of his engagement, the informant allegedly indulged in serious financial irregularities, misappropriation of documents and electronic records, misuse of office systems, and was even found engaging in illegal activities while at work.
9. Upon discovery of such misconduct, the petitioner immediately terminated the informant's services and warned him of appropriate legal action. On the very same day, with mala fide intent to take revenge and to pressurize the petitioner, the informant lodged the present case, levelling highly exaggerated and absurd allegations in collusion with the police. The petitioner is further stated to have a clean criminal record.
10. Learned Public Prosecutor raised a preliminary objection regarding the maintainability of the present anticipatory bail application. It was

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submitted that in Shastri Nagar P.S. Case No. 285/2026, the petitioner had already been arrested and produced before the learned Magistrate for remand, which was refused by order dated 04.04.2026. Since the petitioner has already undergone arrest in this case, the statutory requirement under Section 482 BNSS, that a person must have reason to believe he may be arrested for a non-bailable offence, ceases to exist. Consequently, the anticipatory bail application is not maintainable.

11. In rebuttal, learned counsel for the petitioner relied upon two decisions (i) ***P. Narayana vs. State of Andhra Pradesh*** (Andhra Pradesh High Court, 6 December 2022), and (ii) ***Criminal Miscellaneous No. 65700 of 2025*** (Patna High Court).

12. For a ready reference section 482 BNSS is quoted herein below.

Direction for grant of bail to person apprehending arrest.

(i) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(ii) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including (i) a condition that the person shall make himself available for interrogation by a police officer as and when required; (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; (iii) a condition that the person shall not leave India without the previous permission of the Court; (iv) such other condition as may be imposed under sub-section (3) of section 480, as if

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the bail were granted under that section.

(iii) If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should be issued in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section.

(iv) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under section 65 and sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023.

13. It is apparent from a bare reading that anticipatory bail is premised on apprehension of arrest. Once arrest has already taken place, the foundation for invoking Section 482 BNSS no longer exists. The judgments cited by the petitioner are distinguishable and do not apply to the present factual situation.

Here, the petitioner was arrested and produced before the Magistrate, who refused remand. The refusal of remand does not revive the maintainability of an anticipatory bail application. It merely indicates that further detention was not warranted at that stage. The anticipatory stage is exhausted once arrest and production before the Magistrate occur.

14. This position has been consistently affirmed by judicial precedents. The Karnataka High Court in ***Prabhatjoth Kaur vs. State of Karnataka*** (MANU/KA/28/07/2012) held that a petition under Section 438 Cr.P.C. is not maintainable once the petitioner has been arrested and produced before the Magistrate, even if transit bail was granted. Similarly, the Delhi High Court in ***Bashir Hasan Siddique vs. State*** (GNCTD) (MANU/DE/7955/2023) reiterated that anticipatory bail is unavailable to a person already arrested or

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in custody, as the statutory precondition of apprehending arrest is not satisfied.

15. In view of the above, since the petitioner has already been arrested in the present case, the anticipatory bail application is ***dismissed as not maintainable.***

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Order	16-06-2026
Date of Reserving Order	15-06-2026
Uploading Date	16-06-2026
Uploaded by	Amjad/-