

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No.1679 of 2026.

1. **Alok Raj**

2. **Manish Yadav**

..... **Petitioners**

Versus

The State of Bihar

**Order
No.**

Date

O R D E R

12 16-06-2026

1. The two **petitioners, Alok Raj and Manish Yadav**, seek 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 S.N Goswami, learned counsel for petitioners 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 the co-accused, Chaitanya Krishna, who allegedly induced him to pay Rs. 5,000/- on the pretext of completing certain work. After receiving the money, the co-accused Chaitanya Krishna 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 co-accused over phone demanding either completion of the work or refund of the money, the co-accused Chaitanya Krishna 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 said office to confront him. It is alleged that the co-accused Chaitanya Krishna, along with the petitioners, 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

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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 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 petitioners 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 petitioners have been falsely implicated.
8. It is contended that the informant was employed as an Office Attendant in the firm of the co-accused Chaitanya Krishna 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 co-accused 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 co-accused, the informant lodged the present case, levelling highly exaggerated and absurd allegations in collusion with the police. Further, the petitioner no.2

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is a disabled person and he is unable to move anywhere without the help of anyone. The petitioners are 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 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 petitioners have 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 petitioners 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

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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 the bail were granted under that 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.

Here, the petitioners were 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

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

15. In view of the above, since the petitioners have 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/-