



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@ SLP(CRL.) NO. 5588/2026)

DHANANJAY KUMAR @ DHANANJAY KUMAR GUPTA Appellant(s)

VERSUS

THE STATE OF BIHAR & ANR. Respondent(s)

O R D E R

Leave granted.

This appeal challenges the order dated 09.02.2026 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No. 82802 of 2025.

Apprehending arrest in connection with crime registered pursuant to FIR No. 684 of 2022 dated 17.11.2022 lodged with Police Station-Belsaganj, Sub-Division Sadar, District-Gaya in respect of the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860 ("IPC" for short) and under Section 138 of the Negotiable Instruments Act, 1881 (for short "NI Act"), the appellant preferred an application before the High Court seeking anticipatory bail in terms of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short).

The application for anticipatory bail having been rejected by the High Court *vide* the impugned order dated 09.02.2026, the instant appeal has been preferred.

By order dated 02.04.2026, this Court passed the following order:

“Issue notice to the respondents, returnable on 04.05.2026.

Learned Additional Standing counsel for the first respondent accepts notice.

Till the next date of hearing, no coercive steps shall be taken as against the petitioner herein vis-a-vis FIR NO.684/22 dated 17.11.2022 of P.S.Belsaganj, SubDivision Sadar, District-Gaya, subject to the petitioner cooperating with the investigation.”

We have heard learned senior counsel in support of the appellant and learned counsel for the respondent-State and perused the material on record.

We note that despite service of notice on second respondent/complainant, there is no representation on his behalf. In the circumstances, we have heard learned counsel for the first respondent-State.

Learned senior counsel for the appellant submitted that the dispute between the parties is with regard to the bouncing of a cheque and filing of a complaint under Section 138 of the NI Act; that the main accused has been granted the anticipatory bail by the High Court by order

dated 01.08.2023 however such a relief was not granted to the appellant herein. This Court, by virtue of the interim order dated 02.04.2026, has granted protection. In the circumstances, by following the principle of parity, the appellant herein may also be granted the relief of anticipatory bail subject to the terms and conditions that may be imposed by making the interim order absolute.

Learned counsel for the respondent-State submitted that having regard to the fact that the complaint has been made under Section 200 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") and bearing in mind the facts of this case, the appropriate order may be made in this appeal.

Considering the circumstances on record, in our view, the appellant is entitled to the relief claimed under Section 482 of the BNSS.

We, therefore, allow this appeal and set aside the order passed by the High Court dated 09.02.2026. We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two like sureties.

It is directed that the appellant shall extend

complete cooperation in the ensuing investigation/trial.

The appellant shall not misuse his liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the Criminal Appeal is allowed.

.....J.
(B.V. NAGARATHNA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MAY 04, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5588/2026
[Arising out of impugned final judgment and order dated 09-02-2026
in CRM No. 82802/2025 passed by the High Court of Judicature at
Patna]

DHANANJAY KUMAR @ DHANANJAY KUMAR GUPTA Petitioner(s)

VERSUS

THE STATE OF BIHAR & ANR. Respondent(s)

(FOR ADMISSION
IA No. 95381/2026 - EXEMPTION FROM FILING O.T.)

Date : 04-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mrs. Nivedita Nirvikar, Sr. Adv.
Ms. Ritika Singhal, AOR
Mr. Achal Singh Bule, Adv.

For Respondent(s) Mr. Anshul Narayan, Addl. Standing Counsel, Adv.
Mrs. Vineeta Singh, Adv.
Mr. Anshuman Harsh, Adv.
Mr. Prem Prakash, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. On perusal of the Office Report, it is noted that the second respondent-complainant has been served however, there is no representation/appearance on his behalf. In the circumstances, we have heard learned senior counsel for the petitioner and learned counsel for the first respondent-State.
2. Leave granted.

3. The Criminal Appeal is allowed in terms of the signed order.
4. Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)
(Signed order is placed on the file)