2026:AHC:212218

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10211 of 2026

Kishan Jha

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajay Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and the learned A.G.A. for the State.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 411 of 2026, under Sections 303(2), 317(2), 324(3), 112(2) of B.N.S. and Section 136 of Electricity Act, Police Station Ekta, District Agra, with a prayer to enlarge him on anticipatory bail as the applicant apprehends is arrest in the above-mentioned case.

3. At the very outset, the learned A.G.A. has raised an objection regarding the maintainability of the instant application by submitting that the applicant does not apprehend their arrest as the offences that have been alleged against the applicant does not entail in the event of a conviction, a punishment of more than seven years. He further contends that appropriate protection has been provided in the BNSS itself in the form of Section 35(3) BNSS and the judgments passed by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar and Anr., 2024 (8) SCC 273** and **Mohd. Asfak Alam vs. State of Jharkhand and anr., (2023) 8 SCC 632** also safeguard the interest of the applicant.

4. Upon being confronted with the objection raised by the learned A.G.A., the learned counsel for the applicant failed to satisfactorily meet the same.

5. Taking into consideration the entire facts and circumstances of the case, it

would be appropriate to dispose of the present application with a direction to the Investigating Officer to strictly comply with the directions issued by the Supreme court in **Arnesh Kumar (supra)** and **Mohd. Asfak Alam (supra)** while conducting the investigation in the above-mentioned case.

6. The application stands **disposed of.**

(Vivek Kumar Singh,J.)

October 9, 2026
A.P. Pandey

Digitally signed by :-
ANAND PRAKASH PANDEY
High Court of Judicature at Allahabad