

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21748 of 2025

Arising Out of PS. Case No.-556 Year-2024 Thana- PURNEA SADAR District- Purnia

Devendu Bhardwaj S/o Shri Om Sharma Resident of Mohalla- K-37, Niti
Nagar Sector - 23, P.S.- Sanjay Nagar, District- Ghaziabad, State -U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Kumar Singh, Adv. Mr. Binay Kumar, Adv. Mr. Mayank Kumar, Adv. Ms. Deepa Pandey, Adv.
For the Opposite Party/s :		Mr. Jagdhar Prasad, APP
For the Informant		Mr. N. K. Agrawal, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 14-05-2025 Heard Mr. Shashank Kumar Singh, learned counsel
for the petitioners, Mr. Jagdhar Prasad, learned State counsel
and Mr. N.K. Agrawal, learned Senior counsel for the OP No.2/
informant.

2. The petitioner apprehends his arrest in connection
with Sadar PS Case No. 556/2024 registered on 27.09.2024 for
the offenses punishable under Sections 316(5), 316(2), 318(4),
338, 336(3), 340(2), 61(2) of the B.N.S., 2023.

3. Learned counsel for the petitioner fairly submits
that the cause of action for filing the present anticipatory bail
application has arisen only after cancellation of his bail bond
vide order dated 22.10.2024 passed by the learned Chief Judicial
Magistrate, Purnea in Sadar PS Case No. 556/2024 (GR No.



5272/2024) which is Annexure P/4 of the present application. Learned counsel submits that at the time of hearing regular bail of the petitioner, the Trial Court granted him bail with condition and in the said condition it has been stated that in case of failure of undertaking given by the petitioner, his bail bond will automatically be cancelled. Learned counsel for the petitioner fairly submits that presently his bail bond stood cancelled, therefore, the petitioner has apprehension of his arrest in this case. He moved before the Sessions Court seeking anticipatory bail under Section 482 of the BNSS which was rejected by the Principal Sessions Judge, Purnea *vide* order dated 18.11.2024 passed in ABP No.1884/2024.

4. Mr. N.K. Agrawal, learned Senior Counsel appearing for OP No.2 submits that under BNSS, there is a provision for cancellation of bail and bail bond mentioned under Section 492 of the BNSS (Section 446 of the CrPC) and against the cancellation of bail and bail bond, the remedy of appeal lies under Section 495 of BNSS (Section 449 of the CrPC).

5. In this view of the matter, learned counsel for the petitioner submits that in the case of ***Sushila Aggarwal & Ors. v. State (NCT of DELHI)***, as reported in ***AIR 2020 SUPREME COURT 831***, the Hon'ble Supreme Court comprising of five



Judges Bench on 29th January, 2020 have decided the findings that there is no limitation on the life of the anticipatory bail as long as the court does not put the same down while granting the said anticipatory bail. The court has to look at it from the facts of the case to case, should have reasons to believe that there is an apprehension of an arrest of the concerned person and put the conditions, it deems fit to be applied to, while granting the said anticipatory bail.

6. In the light of the said judgment, learned counsel for the petitioner submits that the petitioner has every remedy to avail anticipatory bail whenever he wants.

7. Upon hearing both the parties and after perusal of the statutes as well as the decision of the Hon'ble Supreme Court, it transpires to this Court that the factual matrix of the present case and that of *Sushila Aggarwal & Ors (supra)* are quite different. In the present case, the petitioner was sent to the jail, he was in judicial custody and on certain conditions, he came out. Regular bail was granted to him with a condition that if he does not fulfill the condition imposed by the learned Trial Court, then his bail bond will automatically be cancelled. The law is very loud and clear that against the cancellation of bail or the bail bond, the remedy lies under the statute itself i.e., under



Section 495 of the BNSS at present.

8. Whereas in the case of *Sushila Aggarwal & Ors (supra)* there is no such situation as like that of the present petition and hence, this Court is of the considered view that the petitioner ought to have availed remedy available under law i.e., Section 495 of the BNSS and, as such, the present application for anticipatory bail is not maintainable in the Court’s view.

9. Accordingly, the present application for anticipatory bail is hereby rejected.

(Dr. Anshuman, J)

perwez

U		T	
---	--	---	--

