

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55888 of 2025

Arising Out of PS. Case No.-2083 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Deepak Kunwar @ Pradeep Kumar @ Pradeep Kunwar @ Deepak Kumar
son of Dhananjay Kunwar Resident of Village -Sankarpur Bakhadda
(Shankarpur Bakhadda), Ward No 12, PS -Matihani District -Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Ranjan son of Balmiki Kunwar, Resident of Village - Bakhadda,
Sankarpur Bakhadda (Shankarpur Bakhadda), Ward No 12, PS -Matihani
District -Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2025 Heard Learned Counsel for the petitioner, Learned
Counsel for Opposite Party No.2 and Learned APP for the State.

2. The present criminal miscellaneous application has
been filed under Section 482 of the Bharatiya Nagarik Suraksha
Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for
grant of anticipatory bail to the petitioner who apprehends arrest
in connection with Complaint Case No.2083 of 2023, lodged on
02.12.2023, under Sections 392/448/323/307/427/452 of the
Indian Penal Code but cognizance has been taken only under
Sections 323/504/506/392 of the Indian Penal Code.

3. As per the prosecution, complaint petition has been



lodged against three named accused persons including the present petitioner with allegation of snatching Rs.2,50,000/- from the complainant and allegation of abuse and assault is also there against the accused persons including the present petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the alleged date and place of occurrence is 27.11.2023, but the complaint case has been lodged after lapse of five days and on the same day FIR has also been lodged for the same occurrence. Counsel submits that in the said FIR, the police has submitted charge sheet and recommended to proceed under non-cognizable sections, whereas in the present complaint case, cognizance has been taken under Sections 323/504/506/392 of the Indian Penal Code. Counsel submits that there is one criminal antecedent against the petitioner in which he is persuading for bail, but he submits that the same case has been lodged by Opposite Party No.2 itself. Learned Counsel further submits that save and except this case, no other case is pending against the petitioner. He further submits that the informant is the agnate and this case has been filed under over jealous due to the reason that the petitioner is in service at



U.P. and the informant people are interested to any how removal of the petitioner from service.

5. Learned Counsel for the Opposite Party No.2 has appeared suo motu, vehemently opposes the prayer for anticipatory bail and submits that specific allegation of snatching the money is against the petitioner.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that yes there are two cases filed one complaint and one FIR, but this may not be the subject of consideration of anticipatory bail. He submits that the police has found case true but in non-cognizable offence on which protest has been filed and in complaint case cognizance has been taken under Sections 323/504/506/392 of the Indian Penal Code.

7. In the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Sri Rohit, Judicial Magistrate, 1st Class, Begusarai, in connection with Complaint Case No.2083 of 2023, subject to the conditions



as laid down U/s 482(2) of the BNSS, 2023.

8. And further condition that the Trial Court shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

(Dr. Anshuman, J)

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