HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10758 of 2026

Kanhaiya Kushavaha

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sanjay Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, the 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.171 of 2026, under Sections 61(2), 318(4), 352, 351(3), 351(2) B.N.S. and Section 3/4 of Prize Chits and Money Circulation Scheme (Banning) Act, P.S.- Hanumant Vihar, District- Kanpur Nagar, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his 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 his arrest as the offences that have been alleged against the applicant do 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. 2014 (8) SCC 273, Mohd. Asfak Alam vs. State of Jharkhand and anr. (2023) 8 SCC 63** and **Satender Kumar Antil Vs. Central Bureau of Investigation 2026 INSC 115** 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), Mohd. Asfak Alam (Supra)** and **Satender Kumar Antil (Supra)** while conducting the investigation in the above-mentioned case.

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

7. It is made clear that the police officer shall not be influenced by the rejection of the anticipatory bail application of the applicant or any observation made therein by the concerned Sessions Judge while refusing to grant anticipatory bail to the applicant.

(Rajiv Lochan Shukla,J.)

October 23, 2026
Sachin

Digitally signed by :-
SACHIN TIWARI
High Court of Judicature at Allahabad