

SUPREME COURT OF INDIA**Bench: Justices B.V. Nagarathna and Augustine George Masih****Date of Decision: 20th February 2024**

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. [@ SLP(CRL.) NO. 554/2024]

NANDU PRASAD ...APPELLANT(S)**VERSUS****THE STATE OF BIHAR ...RESPONDENT(S)****Legislation:**

Indian Penal Code, 1860: Sections 420, 406, 467, 468, 471, 34, 120-B

Code of Criminal Procedure, 1973: Section 438

Subject: Criminal appeal against the denial of anticipatory bail by the Patna High Court in a case involving allegations of fraud and criminal conspiracy.**Headnotes:**

Anticipatory Bail Denied by High Court – Challenge Against Order Dated 04.08.2023 in Criminal Misc. No.44004/2022 by Patna High Court – FIR No.817/2016 for offenses under IPC Sections 420, 406, 467, 468, 471, 34, 120-B – Initial application for anticipatory bail withdrawn, subsequent application dismissed based on G.R. Ananda Babu v. State of Tamil Nadu precedent. [Para 1-3]

Supreme Court's Consideration – Hearing by Supreme Court Justices – Assessment of circumstances on record. [Para 4]
Entitlement to Anticipatory Bail – Supreme Court finds appellant entitled to relief under Section 438 of the Code – Overturning High Court's decision. [Para 5]

Conditions for Bail – Direction for appellant's release on bail upon arrest, subject to Rs.25,000 cash security and two like sureties –

Instructions to not misuse liberty, influence witnesses, or tamper with evidence. [Para 5]

Decision: Appeal Allowed – Overruling of High Court's order – Grant of anticipatory bail to appellant Nandu Prasad in connection with specified crime. [Para 5]

Referred Cases:

G.R. Ananda Babu v. State of Tamil Nadu, reported in 2021 SCC Online SC 176

ORDER

Leave granted.

This appeal challenges the order dated 04.08.2023 passed by the Patna High Court in Criminal Misc. No.44004/2022.

Apprehending arrest in connection with crime registered pursuant to FIR No.817/2016 dated 18.12.2016 lodged with Police Station Town City, District Muzaffarpur, in respect of the offences punishable under Sections 420, 406, 467, 468, 471, 34 and 120-B of the Indian Penal Code, 1860 (for short "IPC"), the appellant and seven other persons preferred the application before the High Court seeking anticipatory bail in terms of Section 438 of the Code of Criminal Procedure, 1973 ("the Code" for short).

Learned counsel for the appellant referred to the final report submitted by the investigating agency to the effect that the dispute is of a civil nature and that the appellant and others could have had no apprehension of arrest. Said application was dismissed as withdrawn on 23.6.2021.

However, the Court of the Chief Judicial Magistrate, Muzaffarpur, ordered for further investigation in the matter. Apprehending arrest, the appellant and another accused preferred a second application for bail which was dismissed by the High Court observing that in terms of the decision of this Court in *G.R. Ananda Babu v. State of Tamil Nadu*, reported in 2021 SCC Online SC 176, the second anticipatory bail application is not maintainable. By order dated 10.01.2024, notice was issued in the instant matter and interim protection was granted to the appellant.

We have heard learned counsel in support of the appeal and learned counsel for the respondent-State.

Considering the circumstances on record, in our view, the appellant is entitled to the relief claimed under Section 438 of the Code.

We, therefore, allow this appeal, set-aside the order passed by the High Court. We direct that in the event of arrest of the appellant in connection with the crime mentioned above, the appellant shall be released on bail subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) with two like sureties.

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.

Pending application(s), if any, shall stand disposed of.

