

**THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR****Anticipatory Bail Application No.: 829/2026****CNR No.: UPAN010048962026****In the Matter of:**

**Dr. Dinesh Kumar Gupta** (District Accounts Manager, Ambedkar Nagar), Aged about 56 years, Son of Ramteerth Gupta, Resident of Village Gausesinghpur, Police Station Dostpur, District Sultanpur.

*... Applicant / Accused*

**Versus****State of Uttar Pradesh**

*... Prosecution / Opposite Party*

**Order Date:** June 12, 2026**Case Crime No.:** 236/2026**Under Section:** Section 316(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.**Police Station:** Akbarpur, District Ambedkar Nagar

This is the first application for anticipatory bail moved on behalf of the applicant/accused, Dr. Dinesh Kumar Gupta, under **Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**, seeking pre-arrest protection in connection with Case Crime No. 236/2026. The application is supported by an affidavit executed by the applicant/accused.

**Points for Determination**

The following core legal and factual questions arise for determination in this anticipatory bail application:

1. Whether a *prima facie* case of criminal breach of trust under Section 316(5) BNS is established against the applicant, whose name was not included in the primary FIR but surfaced during the investigation solely on account of his administrative role as the District Accounts Manager.
2. Whether custodial interrogation of the applicant is warranted, considering that the overpaid public funds were entirely refunded

with interest to the department prior to the active stages of prosecution, leaving no financial loss to the state exchequer.

3. Whether pre-arrest liberty should be granted under the standard guidelines laid down by the Hon'ble Supreme Court, keeping in view the applicant's clean record and cooperation with the ongoing investigation.

## Findings

### 1. Factual Matrix of the Prosecution Case

The criminal machinery was set in motion via a written complaint submitted on April 02, 2026, at 15:46 hours by the informant, Dr. Ramanand, at Police Station Akbarpur. The material facts of the case are as follows:

1. **The IGRS Complaint:** An Integrated Grievance Redressal System (IGRS) complaint (No. 400178XXXXX073) was filed against Smt. Anju Mishra, a Health Worker (Female) stationed at Community Health Centre (CHC) Bhati. Investigation into the complaint revealed that Smt. Anju Mishra was initially employed as a contractual ANM under the National Health Mission (NHM) and was receiving a monthly honorarium.
2. **The Regular Selection:** Subsequently, she was regularly selected via the Uttar Pradesh Subordinate Services Selection Commission (UPSSSC) and took formal charge as a permanent regular health worker on September 10, 2023, drawing a regular salary from the state level budget through the government treasury.
3. **The Dual Payments:** Despite tendering her resignation from the contractual post on August 30, 2023, a clerical/accounting oversight occurred. Over a span of 13 months (from October 19, 2023, to February 05, 2025), a contractual honorarium totaling ₹2,23,195.00 was overpaid into her Kotak Mahindra Bank account alongside her regular salary. Additionally, she received an NHM incentive of ₹59,250.00 in her State Bank of India account.
4. **The Rectification:** Following official departmental directives, Smt. Anju Mishra deposited the entire principal amount of ₹2,23,195.00 along with accumulated interest of ₹29,362.00 (totaling ₹2,52,557.00) back into the NHM account on February 06, 2026. Smt. Mishra was placed under suspension, and senior officials explained that the technical error occurred because there were nine employees sharing the exact same name ("Anju Mishra") within the system.

An FIR was subsequently registered under Section 316(5) BNS against the named processing officers, and during the course of the investigation, the name of the applicant, Dr. Dinesh Kumar Gupta, came to light.

## 2. Submissions on Behalf of the Parties

The learned counsel for the applicant/accused strongly contended that:

1. The applicant is entirely innocent, was not named in the FIR, and no specific, direct, or independent criminal act has been attributed to him.
2. Not a single rupee of the alleged overpayment was deposited into the applicant's personal bank accounts, and he derived absolutely no direct or indirect financial profit from this clerical lapse.
3. The entire amount has already been recovered by the department with interest, meaning no state funds were permanently lost. The applicant has a clean criminal record and is ready to cooperate with any accounting queries.

The learned District Government Counsel (Criminal) opposed the anticipatory bail application, arguing that as the custodian of the accounts, the applicant should have detected the double payments earlier, and an investigation under Section 316(5) BNS is necessary to fix systemic accountability.

## 3. Judicial Analysis and Legal Rationale

This Court has closely scrutinized the case diary, the accounting logs, and the structural dynamics of the alleged infraction:

1. **Absence of Criminal Intent:** To attract the penal provisions of Section 316(5) BNS (criminal breach of trust by a public servant), the prosecution must establish a *prima facie* element of dishonest misappropriation, conversion to personal use, or intentional disposal of property in violation of law. The records clearly show that the funds went exclusively to Smt. Anju Mishra, and the underlying cause was an administrative mix-up stemming from matching names. The applicant received no personal gain, and there is no evidence indicating a malicious conspiracy on his part.
2. **No Custodial Interrogation Required:** The investigation is primarily document-driven, centered around accounting records and digital bank ledgers. The police have already secured the relevant paperwork. Because the applicant has maintained clear cooperation and the entire overpaid amount has already been

refunded with interest to the state, there is no requirement for custodial interrogation.

3. **Application of Supreme Court Guidelines:** The law governing pre-arrest protection was expanded by the Constitution Bench of the Hon'ble Supreme Court in *Sushila Aggarwal v. State (NCT of Delhi)* (AIR 2020 SUPREME COURT 831), which held that anticipatory bail should not be restricted by arbitrary parameters if the applicant presents a low flight risk and shows no intent to compromise the trial. Furthermore, under *Satender Kumar Antil v. CBI: (2022) 10 SCC 51*, where an offense is rooted in documentation and the accused has not been arrested during the active investigation phase, pre-arrest liberty should normally be protected to prevent unnecessary loss of personal reputation.

The prosecution has not produced any criminal history against the applicant, nor have they filed any report indicating that he has evaded the investigation or is likely to abscond. Therefore, balancing the applicant's clean record and the full recovery of the funds, this Court finds the application fit for protection under suitable conditions.

### Order

The anticipatory bail application moved on behalf of the applicant/accused **Dr. Dinesh Kumar Gupta** in connection with Case Crime No. 236/2026, under Section 316(5) BNS, Police Station Akbarpur, District Ambedkar Nagar, is hereby **Allowed**.

In the event of his arrest, let the applicant/accused **Dr. Dinesh Kumar Gupta** be released on anticipatory bail upon executing a personal bond of **₹50,000/- (Rupees Fifty Thousand)** with **two reliable local sureties** each in the like amount to the satisfaction of the arresting officer or the trial court concerned, subject to the following explicit conditions:

1. The applicant shall fully cooperate with both the investigation and the subsequent trial process, and shall not seek superficial or dilatory adjournments.
2. The applicant shall physically appear before the Investigating Officer (IO) at the concerned police station whenever summoned for questioning; any willful default in this regard shall automatically strip the applicant of this protection.
3. The applicant shall not directly or indirectly threaten, intimidate, or make any inducement to the informant, departmental witnesses, or any other persons connected to the facts of the case, nor shall he attempt to compromise any official records.

4. The applicant shall not leave the territory of India without obtaining prior, express permission from the trial court.
5. Should the applicant violate any of the procedural or behavioral conditions specified above, this anticipatory bail order shall automatically stand vacated and become ineffective.

**( Chandroday Kumar )**

Sessions Judge, Ambedkar Nagar

*J.O. Code No.: UP06553*

**Date:** June 12, 2026

**Place:** Ambedkar Nagar