



2026:AHC:180158

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7944 of 2026**

Shiv Kumar @ Sampat

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shashi Kumar Mishra
Counsel for Opposite Party(s)	:	Arjun Singh Solanki, G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Learned counsel for the applicant, Shri Arjun Singh Solanki, Learned counsel for the informant and Learned A.G.A. for the State as well as perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicant in Crime No.136 of 2026 under Sections 190, 191(2), 191(3), 109(1), 333, 115(2), 352, 351(3), 117(2), 131 B.N.S., Police Station Patiyali, District Kasganj, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.
3. Learned counsel for the applicant has contended that the applicant has not been given any specific role in the FIR. Later in the statement of the injured the role of using a firearm and firing upon the injured Omveer has been given to the applicant. The injured Omveer has not received any injury which can be categorized to be a firearm injury. None of the injuries have been opined to be dangerous to life. Learned counsel has further contended that similarly situated co-accused Nikhil Pundheer has been granted anticipatory bail by this Court in NABAIL No.6328 of 2026. The applicant has a criminal history of two cases, one being a case under Section 302 IPC and another being a case under the Arms Act, which is stated to be related to the recovery made in the first case. The applicant is not a previous convict.
4. Learned counsel for the informant has opposed the prayer for bail and

has contended that the anticipatory bail application of the co-accused Shivam Saxena @ Subham Saxena has been dismissed by this Court taking note of his criminal antecedents including the case under Section 302 IPC. Learned counsel has stated that the applicant also is involved in a previous case under Section 302 IPC and may not be considered for grant of anticipatory bail.

5. Learned AGA has adopted the submissions of the learned counsel for the informant but does not dispute the explanation given by the applicant with respect to his criminal antecedents.

6. I have considered the submissions made by the Learned counsels for the parties.

7. The case of the applicant stands at par with that of the co-accused Nikhil Pundheer. The injured have not received any injury which could be attributed to a firearm. None of the injuries have been categorized to be dangerous to life. Although the applicant has a criminal history of one case under Section 302 IPC, however the co-accused Shivam Saxena @ Subham Saxena had a criminal history of seven cases. The applicant is not a previous convict. In the opinion of the Court there is bleak likelihood of the applicant repeating the criminal acts attributed to him. The applicant has not been shown to be an absconder.

8. Taking into account the facts and circumstances of the case, I deem it appropriate to enlarge applicant on anticipatory bail.

9. In view of the above, the anticipatory bail application of the applicant is ***allowed***.

10. In the event of the arrest of the applicant-**Shiv Kumar @ Sampat**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

i. the applicant shall make himself available for interrogation by a police officer as and when required;

ii. that the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness;

11. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

12. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

August 31, 2026

A. Pandey