



2026:AHC:180591

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 8180 of 2026

Gulab Singh And Another

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Bal Mukund Singh, Shri Prakash Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicants; and learned A.G.A. for the State.
2. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No. 0140 of 2026, under Sections 191(2), 191(3), 115(2), 351(3), and 109 of the B.N.S., 2023, Police Station – Tarwa, District Azamgarh, with a prayer to enlarge them on anticipatory bail, as the applicants apprehend their arrest in the aforesaid case.
3. Learned counsel for the applicants contends that the applicants have been falsely implicated in the present case. The First Information Report (FIR) has been lodged against four named accused and about fifty unknown persons. None of the injured have received any injury which may be considered to be dangerous to life. Section 109 BNS has been added after the registration of the FIR during investigation. He contends that except Section 109 of the BNS, none of the offences in the event of conviction provide for punishment of more than seven years. The learned counsel has stated that the police has added Section 109 only to increase the gravity of the offence and to effect the arrest of the applicants. The learned counsel has further submitted that there is a civil dispute pending between the parties and an order has been passed in favour of the applicant Gulab Singh and co-accused Subhash, who is the brother of the applicant, by the Consolidation Officer on the basis of a compromise. However, the possession of the property was taken by the informant and

his other family members and only to create a false case and defeat the civil claim of the applicants, this FIR came to be registered.

4. The learned AGA has opposed the prayer for bail and has contended that four persons have received injuries. The injured Vivek has received a fracture in the mid-shaft of the right radius bone and the injured Santosh Singh has received a fracture on the base of 4th metacarpal and distal end of fifth metacarpal bone. The injuries are grievous in nature and the offence under Section 109 of the BNS is clearly made out.

5. I have considered the submissions made by the learned counsel for the parties.

6. The applicants claim that there is a civil dispute between the parties. None of the injured have received any injury which can be considered to be dangerous to life. The number of injured and the number of injuries is not commensurate to the number of accused mentioned in the FIR. Four named accused and about fifty unknown persons who have supposedly travelled to the place of occurrence on twenty-five motorcycles and two cars armed with knives, iron rods and *lathis* are said to have assaulted the injured. From the perusal of the entire material collected during investigation, false implication or over-implication cannot be ruled out. The name of the named accused Meera Devi has been taken out of the investigation and her two sons have been implicated in the investigation.

7. Taking into consideration the entire facts and circumstances of the case, as discussed above, I deem it appropriate to enlarge the applicants on anticipatory bail.

8. The anticipatory bail application of the applicants is **allowed**.

9. In the event of the arrest of the applicants- **Gulab Singh** and **Ravi Singh @ Shreyash Kumar Singh**, involved in the aforesaid case crime, they shall be released on anticipatory bail, on their 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 applicants shall make themselves available for interrogation by a police officer as and when required;

ii. The applicants 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. The applicants shall not leave India without the previous permission of the Court;

iv. The applicants shall not pressurize/intimidate the prosecution witness;

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

11. 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
Kushal