



2026:AHC:166727

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7802 of 2026

Shiv Kumar And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Sri Rajesh Kumar Mishra, Advocate, holding the brief of Sri Ashutosh Pandey, the learned counsel for the informant, at the outset, has pointed out that there is a declaration in the affidavit that the applicants have no criminal antecedents. He has pointed out that the applicant No.1 has a criminal history of two cases, the proceedings whereof have been challenged before this Court in Application U/S 482 No.28849 of 2011 and 6068 of 2012. One application is pending before this Court and the other, being Application U/S 482 No.28849 of 2011, has been disposed of.

2. In view of the statement so made, the learned counsel for the applicants contends that he may be permitted to withdraw this application as against applicant No.1 with the liberty of filing a fresh application explaining the criminal antecedents of the applicant No.1 in detail, as is required under Chapter XVIII, Rule 18(7) of the Rules of the Court.

3. This application is accordingly **dismissed as withdrawn as against the applicant No.1 with the aforesaid liberty.**

4. Office to return the certified copy of the anticipatory bail rejection order, if any, so far as the applicant No.1 is concerned.

5. Heard learned counsel for the applicant; learned A.G.A. for the State and Sri Rajesh Kumar Mishra, Advocate, holding the brief of Sri Ashutosh Pandey, learned counsel for the informant.

6. The present anticipatory bail application has been filed on behalf of the

applicants in Case Crime No. 105 of 2026, under Sections 191(2), 191(3), 115(2), 352, 351(3), 109(1) of the B.N.S., 2023, Police Station – Gaur, District Basti, with a prayer to enlarge them on anticipatory bail, as the applicants apprehend their arrest in the aforesaid case.

7. The submission of the learned counsel for the applicant No. 2 is that the applicant No.2 has been falsely implicated along with eight other named accused. He contends that although there are five injured, however, none of the injured have received any injury which may be considered to be grievous in nature or dangerous to life. There is a delay of twelve hours in lodging of the First Information Report (FIR). The medical examination has been conducted on the next day. Similarly situated co-accused Pradeep Kumar Yadav has been granted anticipatory bail in NABAIL No.8021 of 2026.

8. The learned counsel for the informant and the learned A.G.A. have opposed the prayer for grant of anticipatory bail, however, do not dispute the fact that the similarly situated co-accused Pradeep Kumar Yadav has been granted anticipatory bail by this Court.

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

10. The injured, although five in number, have not received any injury which may be considered to be grievous in nature or dangerous to life. The similarly situated co-accused, Pradeep Kumar Yadav, has been granted anticipatory bail by this Court. The case of the applicant No.2 stands on a similar footing to that of the co-accused, Pradeep Kumar Yadav.

11. Taking into account the number of injuries sustained, the nature of injuries, the number of accused nominated in the FIR, as also the fact that co-accused Pradeep Kumar Yadav has been granted anticipatory bail by this Court, a prima facie case for grant of anticipatory bail to the applicant No.2 is made out.

12. The anticipatory bail application of the **applicant No.2 is allowed.**

13. In the event of the arrest of the **applicant No.2- Gaurav @ Abhay Agrahari**, involved in the aforesaid case crime, he shall be released on

anticipatory bail, on his 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 No.2 shall make himself available for interrogation by a police officer as and when required;
- ii. The applicant No.2 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 applicant No.2 shall not leave India without the previous permission of the Court;
- iv. The applicant No.2 shall not pressurize/intimidate the prosecution witness;

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

15. 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 10, 2026
Kushal