



2026:AHC:167092

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7804 of 2026

Sabhayjeet And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sandeep Kumar Yadav
Counsel for Opposite Party(s)	: G.A., Vishveshwar Mani Tripathi

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicants; learned A.G.A. for the State and Sri Manish Mani Tripathi, Advocate, holding the brief of Sri Vishveshwar Mani Tripathi, learned counsel for the informant.
2. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No. 270 of 2026, under Sections 191(2), 109(1), 115(2), 352, 351(3) of the B.N.S., 2023, Police Station – Jhagha, District Gorakhpur, with a prayer to enlarge them on anticipatory bail, as the applicants apprehend their arrest in the aforesaid case.
3. The learned counsel for the applicants has contended that the First Information Report (FIR) is delayed by four days. The medical examination does not support the allegations made in the FIR. The applicant No.1 has only been assigned the role of exhortation and the applicant No.2 has been assigned the role of causing an injury using sharpened edged weapon, which is not borne out from the injury reports. The applicants have no criminal antecedents.
4. The learned counsel for the informant and the learned A.G.A. have opposed the prayer for grant of anticipatory bail, and have contended that grievous injuries have been suffered by injured Ramfal Mallah, who has suffered a hemorrhagic contusion in the brain and the fracture of inner wall vault of frontal bone at frontal sinus level.
5. The learned A.G.A. has adopted the submissions made by the learned counsel for the informant.

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

7. The FIR is delayed by four days. The medical examination reports, that are available on the record, show that medical examination was conducted on 15.05.2026 i.e. after about two days of the occurrence. The applicant No.2, Kapur Chand Sahani, has been given a specific role of assault. There is a cross version also in which Kapur Chand Sahani has lodged the FIR. Presently, when there are cross cases, it would not be appropriate to hold which side is the aggressor.

8. Taking into account the specific role given to the applicant No.2, Kapur Chand Sahani, no case for grant of anticipatory bail to him is made out. The anticipatory bail application insofar as it relates to **applicant No.2 Kapur Chand Sahani is concerned, is hereby dismissed.**

9. However, the role given to the applicant No.1 Sabhayjeet is of exhortation. Prima facie, in the opinion of the Court, taking into account the number of injured, the number of injuries sustained and the specific roles given to the co-accused Govind and Kapur Chand Sahani, over implication cannot be ruled out. The applicant No.1 has no reported criminal antecedents.

10. The anticipatory bail application of the applicant No.1 is **allowed.**

11. In the event of the arrest of the **applicant No.1- Sabhayjeet**, 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.1 shall make himself available for interrogation by a police officer as and when required;
- ii. The applicant No.1 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 shall not leave India without the previous permission of the Court;

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

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

13. 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