



2026:AHC:162930

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7865 of 2026

Khadak Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashish Kumar Mishra, Girish Chandra Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, the Learned A.G.A. for the State and perused the record.
2. The Learned counsel for the applicant is permitted to implead the complainant in the array of the parties during the course of the day.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.14 of 2018, under Sections 323, 452, 504, 506, 392 of I.P.C., Police Station- Asmoli, District- Sambhal, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the above-mentioned case.
4. The Learned A.G.A. has raised a preliminary objection regarding the maintainability of this application by submitting that the proceedings arise from a complaint case and relying upon the judgment this Court in **CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 4464 of 2026 (Asheesh Kumar Vs. State of U.P. and Another)**, he contends that anticipatory bail application with respect to complaint case is not maintainable.
5. The Learned counsel for the applicant in response to the preliminary objection, so raised, has referred to an order of this Court in the case of **CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 1205 of 2026 (Brajpal @ Birju @ Bijendra and another vs. State of U.P. and another)** and has contended that question regarding the maintainability of the anticipatory bail application in complaint cases is pending before a larger Bench of this Court.
6. I have considered the submissions made by the Learned counsels for the parties.
7. The question regarding the maintainability of anticipatory bail application is engaging the attention of this Court.

8. Taking into account the entire facts and circumstances of the case as the matter regarding the maintainability of anticipatory bail application is pending before a Larger Bench of this Court, this Court has proceeded to consider this application on its own merits.

9. The Learned counsel for the applicant contends that at the relevant point of time, the applicant was posted as Head Constable. Presently, he is serving as Sub Inspector of Police and the complainant who is a known criminal involved in cases of murder and Arms Act has lodged this false case against the applicant and the co-accused Sub Inspector Anil Kumar Rana to coerce them. The complainant is trying to seek revenge on the applicant and the co-accused for having arrested him. The Learned counsel for the applicant has further contended the applicant has been summoned to face trial and the said order was challenged before this Court in **Application U/S 528 BNSS No.19489 of 2026 (Amit Kumar and 3 Others Vs. State of U.P. and Another)**. However, the said application was dismissed after which the applicant has filed the application for seeking anticipatory bail. Similarly situated co-accused Amit Kumar has been enlarged on interim anticipatory bail by this Court in **CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 7263 of 2026**.

10. The Learned A.G.A., on the other hand, has opposed the prayer for grant of anticipatory bail and has contended that the summoning order is of the year 2019. The applicant is avoiding the proceedings before the trial Court and he may not be considered for grant of anticipatory bail.

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

12. This appears to be a case of no injury. The applicant is a police personnel who is stated to have arrested the complainant. The act of the applicant is said to have been in discharge of official duties. The applicant is not stated to have any criminal antecedents. In the prima facie opinion of the Court, the applicant who is not a flight risk as he is a serving police personnel, deserves to be considered for grant of interim anticipatory bail.

13. Issue notice to the opposite party No.2.

14. The Learned A.G.A. prays for and is granted three weeks' time to file a counter affidavit in the matter. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

15. List thereafter.

16. Till the next date of listing, in the event of arrest of the applicant- **Khadak Singh**, involved in Complaint Case No.14 of 2018, under Sections 323, 452, 504, 506, 392 of I.P.C., Police Station- Asmoli, District- Sambhal, he shall be released on interim

anticipatory bail on his furnishing a personal bond and two sureties each 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 not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) 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/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

(v) The applicant shall not pressurize/intimidate the prosecution witness;

17. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of interim anticipatory bail granted to the applicant.

18. In the meantime, let the necessary be done.

August 4, 2026
Sachin

(Rajiv Lochan Shukla,J.)