



2026:AHC-LKO:40789

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

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

Nitish Rajbhar

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Alok Pandey, Arun Kumar Tewari
Counsel for Opposite Party(s)	: G.A., Abhineet Jaiswal, Jahnvi Singh

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.

2. Heard learned counsel for the applicant and Sri S.M. Singh Royekwar learned Additional Advocate General assisted by Ms. Niketa Mishra learned AGA and Mr. Abhineet Jaiswal counsel for the complainant.

3. The instant anticipatory bail application has been filed by the applicant with a prayer to enlarge him on anticipatory bail in Case Crime No.0062 of 2026 under Sections 191(1), 115(2), 74, 109(1), 352, 351(3), 117(2) of B.N.S. (146, 323, 354, 307, 504, 506, 325 IPC) Police Station- Dewa, District-Barabanki.

4. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. The applicant is doing real state business. He further submitted that the daughter of the informant and brother of the applicant namely Ankit Rajbhar were friend. The brother of the applicant was continuously providing financial help to the daughter of the informant and in support of his argument, he drew attention of the Court to the Annexure no.8 at page no.60 to 68 to the supplementary affidavit filed today and he further submitted that the friendship of the brother of the applicant and daughter of the informant was not accepted by the informant and other family members. The informant himself tried to scold her,

applicant and his brother in the function. As per the prosecution case, the incident took place on 27.02.2026 at 9.30 p.m and the distance of the police station was 16 kms from the spot but the informant did not go to police station for lodging of FIR and even he has not made any call to the police station and he lodged FIR on the next date on 28.02.2026 at 13.42 hours. In case, in an incident, alleged persons received any injuries, no medical aid was provided to them. As per the prosecution case, medical aid was provided to them on 28.02.2026 at 3.00 p.m after about 18.00 hours and in the statement of Dolly Singh who is also one of the injured stated that 9 to 10 stitches were found on the head injury of the son but in the injury report, there is no sign of stitch wound. It is further submitted that in the FIR, it is also mentioned that one stranger old man also received injuries and his leg was fractured but in the affidavit given by the stranger (Tej Bahadur, who is not informant) has categorically stated that he has not received any injury and he has no concern with the said incident. He further submitted that in the medico legal report, opinion was given by the doctor that all the injuries are simple in nature. There is no explanation given in the FIR about delay in lodging the FIR. In the format of FIR, there is a specific place for giving reason of delay in reporting by the informant but the same is blank. The applicant does not have any criminal antecedent hence, he is entitled for anticipatory bail.

5. Sri S.M. Singh Royekwar learned Additional Advocate General as well as counsel for the complainant have vehemently opposes the prayer of the applicant and submitted that the informant and his family were beaten brutally by the accused persons with the iron rod and one stranger also received injury. S.M. Singh Royekwar further submitted that the nature of incident is very serious and also requested for some time to file counter affidavit on the pleading in relation to the friendship with the daughter of the informant and the brother of the applicant and providing financial help to her and he is unable to explain the reason for delay in lodging the FIR. Sri S.M. Singh Royekwar further submitted that in the reputed family in case if any such incident takes place then most of the time they would be in dilemma and therefore, the FIR could not be lodged within time and he further submitted that from the side of applicant, pressure has been made for settlement in this regard FIR No. 22 of 2026 under Section 352, 351(3) BNS P.S Mati District Barabanki has been lodged on the written complaint of the

informant -Tej Bahadur. In the aforesaid FIR, allegations have been levelled against all the accused persons for making pressure and therefore, the applicant is not entitle for anticipatory bail.

6. Sri Royekwar further submitted that the statement of stranger namely Tej Bahadur has also been recorded by the Investigating Officer under Sections 180 BNS in which he supported the prosecution version. In his statement, he stated that he was intervening in the incident and he fell down and received injuries but it was not caused by the accused persons. He also relied upon the judgment of the Apex Court in **State of Andhra Pradesh vs N. Sanjay; 2025 SCC Online SC 1747** and submitted that custodial interrogation is not necessary for adjudicating the case of anticipatory bail.

7. Considering the submissions of learned counsel for the parties and going through the contents of the F.I.R. as well as other relevant materials, it is evident from the record that as per the prosecution case, incident was taken place on 27.02.2026 (wrongly typed in the format of the FIR 24.02.2026 at 21.30 hours). As per the prosecution case, three persons received injuries but no medical aid was taken by the informant and the injured persons and they were waiting for long time and on the next date on 28.02.2026, complaint was given to the police for lodging of the FIR and thereafter injured were medically examined on 28.02.2026 and as per the prosecution case, they were beaten with the iron rod but injuries are found simple in nature and in the supplementary affidavit filed today as the applicant relied where there is a friendship in between daughter of the informant and the brother of the applicant and he was also providing financial help to her but it was not expected to the informant and the FIR no.22 of 2023 as mentioned above was also lodged by the informant on the same day i.e on 28.05.2026 in P.S-Mati. As the case diary also reveals that the informant visited police station and FIR was lodged but his statement under Section 180 BNS was not recorded on the same day and his statement was recorded on 12.03.2026 and on the said date and he has not given any complaint to the Investigating Officer of the crime in question that he is being threatened by the accused persons, therefore, this Court is of the view that the applicant is entitled for anticipatory bail.

8. Let the applicant-**Nitish Rajbhar** be released on interim bail in the

aforesaid case. The applicant is further directed to appear before the Investigating Officer/SHO concerned on **15.06.2026 at 11.30 a.m** for recording his statement under Section 180 BNSS and he shall provide his mobile number to the Investigating Officer and he will not switch off his mobile number till the conclusion of investigation. In case the applicant is taken into custody by Investigating Officer/Investigating Agency, he shall be released forthwith on anticipatory bail after taking personal bond of Rs. 50,000/- and two sureties each in the like amount with the following conditions:-

- (i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- (iii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./351 B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. With above directions, the anticipatory bail application is ***allowed***.

(Rajeev Singh,J.)

June 11, 2026

Harshita