



2026:AHC-LKO:41823

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 433 of 2026**

Shiv Pratap Singh @ Raju

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Home Deptt.
Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Birendra Pratap Singh, Shivam Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 13

HON'BLE AVNISH SAXENA, J.

1. Supplementary affidavit has been filed explaining the criminal history of the applicant. The same is taken on record.
2. Heard Sri Shivam Singh, learned counsel for the applicant and learned AGA for the State.
3. The present anticipatory bail application under Section 482 of BNSS has been filed by the applicant with a prayer to release him on anticipatory bail in Case Crime No.262 of 2022, under Section 2/3 of UP Gangster and Anti-Social Activities (Prevention) Act, P.S.- Maharajganj, District - Raebareli during pendency of the trial.
4. It is contended by learned counsel for the applicant that the accused applicant has been falsely implicated by the police by invoking the provisions of gangster act on the solitary base case wherein the accused applicant is on bail. The criminal history of five cases have been explained, wherein, he is on bail. The charge sheet has been submitted. During investigation the accused applicant has not been arrested. The accused applicant wants to appear before the trial court but apprehending arrest. Hence, seeks anticipatory bail.
5. Per contra learned A.G.A. has opposed the prayer for bail of the applicant.
6. The scope of ambit of anticipatory bail is encapsulated in three

insightful judgments of Hon'ble Supreme Court right from **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in (1980) 2 SCC 565, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra** reported in (2011) 1 SCC 694 and **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another** reported in (2020) 5 SCC 1, wherein it is consistently held by Hon'ble Apex Court that while granting anticipatory bail, the Court should consider the application of the applicant to evaluate the threat or apprehension of arrest vis-a-vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willingness of the accused to cooperate in investigation and trial and the conduct of the accused and flight risk.

7. Considering that the accused applicant has not been arrested during investigation, the gravity of accusation, **explained criminal history** and apprehension of arrest in the case vis-a-vis low flight risk and assurance of the accused in cooperating with the investigation and trial, is of considered view to grant anticipatory bail.

8. The **applicant- Shiv Pratap Singh @ Raju** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer, as the case may be within 30 days from the date of this order and shall be released on bail on furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the court concerned with following conditions :-

(i) 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.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS.

(iv) The applicant shall file an undertaking to the effect that he/she shall

not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his/their counsel.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Avnish Saxena,J.)

June 24, 2026

Krishna*