



2026:AHC:179845

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 6506 of 2026**

Shamim And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Syed Shahnawaz Shah
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State as well as perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicants in Session Trial No.364 of 2019, Case Crime No.308 of 2019, under Sections 307, 323, 325, 504, 506 IPC & Section 7 Criminal Law Amendment Act, Police Station Chandpur, District Bijnor, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the abovementioned case.
3. This is a second anticipatory bail application. The first anticipatory bail application was rejected by a Coordinate Bench of this Court by order dated 03.04.2026 passed in ABAIL No.2727 of 2026. The second anticipatory bail application has been released by the Coordinate Bench and the same has then been placed before this Court, being the Court of regular jurisdiction hearing anticipatory bails.
4. The new ground that has been agitated by the Learned counsel for the applicants is that post rejection of the anticipatory bail application by this Court, the co-accused Allauddin, whose case is at par with that of the applicants, was granted anticipatory bail till conclusion of the trial in NABAIL No.3939 of 2026 vide order dated 01.05.2026. Learned counsel for the applicants submits that the case of the applicants may also be sympathetically considered for grant of anticipatory bail. The applicants

have a criminal history of one other case which was a case relating to violation of lockdown during the COVID-19 pandemic and the said case has now been withdrawn.

5. Learned AGA has opposed the prayer for bail and has contended that on due consideration of the statements of PW-1 and PW-2, this Court refused to grant anticipatory bail to the applicants. He has stated that in the order granting anticipatory bail to the co-accused Allauddin, this fact of rejection of the anticipatory bail of the applicants was not brought to the notice of the Court. He contends that in the absence of this fact being noticed by this Court while granting anticipatory bail to co-accused Allauddin, the said order cannot be pressed into aid by the applicants for seeking parity. Learned AGA however has not denied the explanation given by the applicants with respect to their criminal history.

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

7. The applicants have been summoned to face trial in exercise of powers under Section 319 Cr.P.C. After rejection of the anticipatory bail application of the applicants, similarly situated co-accused Allauddin has been granted anticipatory bail by this Court. Learned counsel for the applicants has relied upon a decision of this Court in ABAIL No.1327 of 2022, wherein this Court found the second anticipatory bail to be maintainable after grant of anticipatory bail to the co-accused.

8. In the prima facie opinion of the Court, the facts of the order cited by the learned counsel for the applicants are not squarely applicable to the facts of the present case. However, it is also true that there is no parity of rejection of bail.

9. Prima facie from the perusal of the statement of the witness PW-1, as recorded before the Trial Court, the role of wielding a country-made pistol has been assigned to the co-accused Shahjad and the rest of the accused have been given a general role of using iron rods and 'sariya'. Even in the statement of the witness Majnu, who has been examined as PW-2, no specific role has been given to the applicants. Similarly in the statement of PW-3 Mudit Agarwal, no specific role has been given to the

accused persons. Only Shahjad has been assigned the role of using a firearm. The injured Mudit has received a fracture of the upper end of the tibia and fibula but there was no damage found in the X-ray of the skull. In the CT Scan report, a hairline fracture has been noted in the right temporal bone. The said head injury has not been specifically assigned to any of the accused in the examination-in-chief of the injured Mudit Agarwal.

10. Taking note of the entire facts and circumstances of the case, I find that the case of the applicants is at par with that of the co-accused Allauddin and it would be appropriate to grant anticipatory bail to the applicants as similarly situated co-accused has been considered for grant of anticipatory bail post rejection of the anticipatory bail of the applicants.

11. In view of the above, the anticipatory bail application of the applicants is ***allowed***.

12. In the event of the arrest of the applicants-**Shamim** and **Naseem**, they shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing of their 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 applicants shall make themselves available for interrogation by a police officer as and when required;
- ii. that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- iii. that the applicants shall not leave India without the previous permission of the Court;
- iv. that the applicants shall not pressurize/intimidate the prosecution witness;

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

14. 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 25, 2026

A. Pandey