



2026:AHC:169774

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 6341 of 2025**

Awadhesh Kumar Tiwari And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Tiwari, Raghuvansh Misra
Counsel for Opposite Party(s) : G.A., Manoj Pathak

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Rejoinder affidavit filed today is taken on record.
2. Heard Sri Abhishek Tiwari, learned counsel for the applicants, Sri Manoj Pathak, learned counsel for the informant and learned A.G.A. for the State and perused the record.
3. The applicants- Awadhesh Kumar Tiwari and Rishi Yadav were granted interim anticipatory bail in the present case by this Court vide order dated 07.08.2025. The said order is quoted herein below:

"1. Heard counsel for the applicants, Sri Neeraj Kumar Sharma, learned A.G.A. for the State and perused the material placed on record.

2. This application has been filed seeking anticipatory bail in Case Crime No. 454 of 2024, under Sections 392, 385, 504, 506 I.P.C., Police Station -Kotwali Nagar, District- Banda.

3. Counsel for the applicants submits that the applicants have been falsely implicated in the present case. The applicants had not forged or manipulated any documents. At this stage, there is no credible evidence to link the applicants with the offence. The applicants have no criminal antecedents. It is next submitted that the investigation is going on and the applicants have apprehension of their arrest in the above mentioned case.

4. Matter requires consideration.

5. *Issue notice to the informant returnable at an early date.*

6. *Learned A.G.A. prays for and is granted three weeks' time to file counter affidavit. Rejoinder, if any, may be filed within a week thereafter.*

7. *Till the next date of listing or till submission of Police report under Section 173 (2) Cr.P.C., whichever is earlier, in the event of arrest, the applicants Awadhesh Kumar Tiwari and Rishi Yadav be released on interim anticipatory bail in the aforesaid case crime, on furnishing a personal bond of Rs.50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-*

(i) the applicants shall make themselves available for interrogation by a police officer as and when required;

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

(iii) the applicants shall not leave India without the previous permission of the Court and if they have passports, the same shall be deposited by them before the S.S.P./S.P. concerned.

8. *In default of any of the conditions, the Investigating Officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.*

9. *The Investigating Officer is directed to conclude the investigation of the present case expeditiously in accordance with law.*

10. *The applicants are directed to produce a certified copy of this order, before the S.S.P./S.P. concerned within ten days from today, who shall ensure the compliance of present order.*

11. *Place this case in the additional cause on 11.9.2025."*

4. It is further contended by the learned counsel for the applicants that

present case is a counter blast to an earlier case lodged by the applicants' side against the first informant side. A civil dispute has been given colour of criminality. The applicants are not named in the F.I.R. which has been lodged through Application U/S 156 (3) of Cr.P.C. The informant of the said application U/S 156(3) of Cr.P.C. has alleged that the accused persons have purchased the land from co-accused Atul Kumar Gupta and he has shown the boundary of property which is same from three sides of the boundary from one Devraj Pathak. It is further submitted in Application U/S 156(3) Cr.P.C. that accused persons are trying to grab the property on the basis of the sale deed. It is further contended that identically situated co-accused Kesh Kumar Tiwari has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.02.2026 in Crl. Misc. Anticipatory Bail Application U/S 482 B.N.S.S. No. 1938 of 2026. The applicants have no criminal history.

5. Vide order dated 07.08.2025, learned A.G.A. was directed to file counter affidavit in the matter, but no counter affidavit has been filed till today in this case.

6. Earlier interim anticipatory bail was granted to the applicants vide order dated 07.08.2025 and in pursuance of aforesaid order, the applicants are regularly appearing before the learned trial court which is clear from perusal of order sheet appended as Annexure No. RA-2 to the rejoinder affidavit. The investigation is complete in this matter and chargesheet has been submitted. The applicants are regularly appearing before the learned trial court, therefore, there is no requirement of custodial interrogation of the applicants.

7. The interim anticipatory bail granted to the applicants vide order dated 07.08.2025 is hereby made **absolute**. The applicants will remain on anticipatory bail till conclusion of trial on the same terms and conditions as given in the order dated 07.08.2025 passed by this Court.

8. The anticipatory bail application stands **allowed**.

9. In default or misuse of any of the conditions mentioned in earlier order dated 7.8.2025, the Public Prosecutor/ Investigating Officer/ first informant-complainant would be at liberty to file appropriate application for

cancellation of anticipatory bail granted to the applicants, before the concerned court.

(Vivek Kumar Singh,J.)

August 12, 2026

A.P. Pandey