



2026:AHC-LKO:41340

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 3879 of 2026

Ankur Asthana

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Anurag Tripathi
Counsel for Opposite Party(s) : G.A., Alok Kirti Mishra, Dharmesh
Kumar Dwivedi

Court No. - 12

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Short counter affidavit filed on behalf of respondent no.2 is taken on record.
2. The instant Criminal Misc. Petition under section 482 Cr.P.C. has been filed by the accused applicant in Criminal Case No. 6516 of 2020 under Section 138 N.I. Act, pending before learned Additional Magistrate, Court no.30, Sultanpur with a prayer to quash the impugned order dated 27/4/2026 passed by the court concerned and to direct the court below to revive the bail and treat the applicant on bail in view of order dated 15/12/2020 wherein the applicant was enlarged on bail in the said case.
3. Heard learned counsel for the applicant, learned A.G.A. for the State, learned counsel for appearing for respondent no.2 and perused the record.
4. At the outset, learned counsel for the applicant raised preliminary objection that the present petition is not maintainable, as the applicant has been required by the trial court to seek fresh bail in newly instituted criminal case and he was granted bail in earlier case by the trial court.
5. Learned counsel for the applicant submits that the offense is bailable in nature and the applicant was enlarged on bail in the said criminal case by order dated 15/12/2020. The petitioner was summoned to face trial initially on 6/10/2020 in present criminal case against which the applicant

had filed a criminal revision before the court of Session, which was dismissed vide order dated 18/11/2021. Thereafter, complainant filed Application U/S 482 Np. 82 of 2022 before this Court against order dated 18/11/2021 which was disposed of by this Court vide order dated 25/1/2022 with the observation that the order dated 18.11.2021 passed in Criminal Revision no.11 of 2021 passed by learned Additional District and Sessions Judge, Court No.1, Sultanpur is modified to the extent that the petitioner is permitted to file a fresh petition before learned trial court within a period of one month and the same shall be decided strictly in accordance with law. Pursuant to the said order dated 25/1/2022 passed by this Court, the complainant filed a fresh complaint on 9/2/2022. Learned trial court heard the complainant on the said complaint and passed a fresh summoning order on 4/1/2023, summoned the applicant to face trial under section 138 N.I. Act.

6. Learned counsel for the applicant further submits that the said order was passed in Criminal Case no. 13 of 2022, as fresh complaint was filed by the complainant in compliance of the order of this court dated 25/1/2022. However, it appears that subsequently, the case is being heard in Criminal Case number 6516 of 2020 for the reason best known to the court concerned.

7. He next submitted that once the accused applicant was released on bail by the competent court for the same offense, he cannot be saddled with the obligation to apply for fresh bail when the case was reinstituted by the complainant in pursuance to the direction passed by this Court. Even if, a fresh case was filed by the complainant, the offense is same and there is no occasion for the court concerned to require the applicant to seek a fresh bail.

8. Per contra, learned counsel appearing for respondent no.2 submits that at present a complaint is being heard in Criminal Case number 9737 of 2023. However, it is not disputed that in earlier case as well as subsequent instituted case, the offense and check in question is same.

9. From the perusal of the record, it appears that different orders have been passed by the learned Magistrate in different case number, however,

parties are same and offense is also same.

10. Be that as it may, I find, find no reason which permitted to the trial court to require the accused applicant to seek fresh bail after reinstitution of complaint case pursuant to the order of this court dated 25.01.2022. Therefore, it is directed that the bail order dated 15.12.2020 passed in original Criminal Case No. 6516 of 2020 shall hold good in present criminal case by whatever criminal case number it is being heard and the bail bond furnished by the accused appellant shall also hold good unless the accused found guilty of misuse of bail and only in that case the trial court will be at liberty to pass appropriate order.

11. In view of the above, the impugned order dated 27.4.2026 whereby the applicant is required to seek bail is hereby set aside. The parties are directed to appear before the trial court for further proceedings of the case. It is needless to say that the trial court shall make every effort to expedite the hearing of the case as it is an old case filed way back in the year 2020.

12. The application U/S 482 is **allowed** accordingly.

(Ram Manohar Narayan Mishra,J.)

June 17, 2026

dk/