



2026:AHC:166993

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7785 of 2026**

Dheer @ Dhiraj And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shivangi Bhardwaj, Sunil Vashisth
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicants, the Learned A.G.A. for the State and perused the record.
2. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No.274 of 2026, under Sections 191(2), 126(2), 74, 75, 76, 3(5), 115(2), 110, 351(2) of the B.N.S., P.S. - Modi Nagar, District- Ghaziabad, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the above-mentioned case.
3. The Learned counsel for the applicant contends that applicants have been falsely implicated in the present case. The first information report has been lodged against five named accused and two unknown women, stated to be the sisters of the co-accused Harsh, Two unknown persons stated to be the friends of Harsh and 6 to 8 other persons stated to be on 3 motorcycles. The applicant No.1 is the father of the co-accused Harsh. The applicant No.2 is the uncle of the co-accused Harsh. A general role has been given to the applicants and the applicants have been implicated along with entire family members of the co-accused Harsh. None of the injuries that have been found on the persons was opined to be grievous in nature or dangerous to life. The applicants have no criminal history.
4. The Learned A.G.A. has opposed the prayer for grant of anticipatory bail and has contended that the offences alleged against the applicant do not entail in the event of a conviction, a maximum imprisonment of more than seven years. The applicants have no apprehension of arrest and their anticipatory bail is not maintainable. The Learned A.G.A., however,

could not dispute the fact that applicants have no criminal antecedents.

5. Rejoining the issue, the Learned counsel for the applicants has contended that the offence under Section 110 BNS is a Sessions triable offence and the applicants have serious apprehension of arrest.

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

7. The applicants are stated to be the father and uncle of the co-accused Harsh. The dispute as per the statement of the injured Chanchal appears to be between Harsh and the injured. The injuries sustained have not been opined to be grievous in nature or dangerous to life. The case of the applicants stands on a different footing from that of the co-accused Harsh. They have no criminal antecedents. In the opinion of the Court, taking into account the nature of allegations and number of accused, over implication cannot be ruled out.

8. Taking into account all the facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicants on anticipatory bail.

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

10. In the event of the arrest of the applicants **Dheer @ Dhiraj & Lakhiram**, they shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety each 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;

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

12. 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 10, 2026

Sachin