



2026:AHC:177846

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 3885 of 2026

Prabhat Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Adarsh Kumar, Prakesh Kumar Yadav
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. This Court, on 23.04.2026, passed the following order :

" 1. Heard Sri Adarsh Kumar, learned counsel for the applicant, learned AGA for the State and perused the record.

2. It is contended by learned AGA that instruction is not being received so far and seeks time.

3. The learned counsel for applicant seeks interim anticipatory bail.

4. The present application has been moved seeking anticipatory bail in Case Crime no. 46 of 2026, under Sections 109(1), 115(2), 352, 351(3), 191(2) and 190 BNS, P.S. Nawabganj, District- Kanpur Nagar.

5. It is contended by learned counsel for accused applicant that the name of accused/applicant is not mentioned in the FIR. The main allegation is against the co-accused Vishal Kumar. The accused/applicant is resident of same vicinity. He is pursuing a job at Gorakhpur. During the Holi holidays, he came to his house, while performing holika dahan, his picture was captured. It is merely because of that picture, the name of accused/applicant has been figured out during the investigation. The allegation against the co-accused is such that they have beaten the informant Vinay Pratap Singh, who has suffered only two injuries, one lacerated wound at the back of head and another complaint of pain. The accused/applicant has no criminal history and hence apprehending arrest and hence, seeks interim anticipatory bail.

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 considering 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. This Court while considering the arguments, gravity of accusation 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 interim bail.

8. In the event of arrest of the **applicant-Prabhat Kumar** involved in the aforesaid case crime shall be released on interim anticipatory bail till 26.05.2026 on his furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

(i) The applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

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

(iii) The applicant would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

(v) The applicant shall ensure his presence before the Investigating Officer in view of interim anticipatory bail granted.

9. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of interim anticipatory bail granted to the applicant.

10. List this case on 26.05.2026.

11. Learned AGA is directed to obtain instructions by the next date. "

2. Today, when the case has been called on, the learned A.G.A. states that he has received instructions.

3. Heard learned counsel for the applicant; and learned A.G.A. for the State.

4. The learned counsel for the applicant has contended that the applicant is not named in the First Information Report (FIR). In the video clip, that is said to be of the occurrence in question, the co-accused Satya Narayan is said to have fired a shot as the informant's side was forcibly taking away Vishal, the son of the co-accused Satya Narayan. The applicant has no concern with the incident. He was merely a bystander who has been roped in the case.

5. The applicant was on interim anticipatory bail under the orders of this Court vide the order dated 23.04.2026 as the learned A.G.A. had not received any instructions. The learned counsel has further contended that the applicant has no criminal history.

6. The learned AGA has opposed the prayer for bail however could not dispute the fact that the applicant has no criminal antecedents.

7. I have considered the submissions made by the learned counsel for the parties.

8. Co-accused Satya Narayan has been granted anticipatory bail by this Court in NABAIL No. 3649 of 2026. The case of the applicant stands on a similar footing to that of the co-accused Satya Narayan. The applicant has no criminal antecedents. The applicant who is on interim anticipatory bail under the orders of this Court is not stated to have violated the terms and conditions thereof.

9. In view of the entire facts and circumstances of the case, as discussed above, I deem it appropriated to confirm the interim anticipatory bail granted to the applicant.

10. The anticipatory bail application of the applicant is **allowed**.

11. The interim anticipatory bail granted to the applicant is hereby confirmed. In the event of the arrest of the applicant- **Prabhat Kumar**, in the above mentioned case, he shall be enlarged on anticipatory bail, on the same terms and conditions, as fixed in the earlier order dated 13.07.2026.

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 21, 2026
Kushal