



2026:AHC-LKO:42316

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 452 of 2026**

Radhe Shyam

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Home Deptt. Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ritu Singh, Shivanshu Upadhyay
Counsel for Opposite Party(s) : G.A.

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

The instant anticipatory bail application has been filed on behalf of the applicant with the prayer to release him on anticipatory bail in Case Crime No.308 of 2021, under Sections 147, 148, 323, 504, 506, 352, 308 IPC, Police Station Sangipur, District Pratapgarh.

Contention of learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in the present case. He submits that one of the accused, namely, Kandhai has been enlarged on anticipatory bail in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.951 of 2025, vide order dated 10.9.2025. He further submitted that general role has been assigned of assaulting the injured and even the injured has not attributed specific role to any of the accused. He added that the applicant has co-operated in the investigation proceedings and the charge sheet has been filed in the matter, therefore, the case of the applicant is fully covered the ratio of Judgment of the Apex Court in the case of **Musheer Alam Vs. the State of Uttar Pradesh & another**, reported in **2025 SCC OnLine SC 116** and, as such, no custodial interrogation is required. He further submits that the applicant is undertaking that he will co-operate with the trial proceedings and he will remain present before the trial court as and when required. He

further submits that the applicant has no previous criminal history and he is a law abiding citizen and he has acute apprehension of being arrested by the police, as such, he may be granted anticipatory bail which he will not misuse.

On the other hand, learned AGA appearing for the State has opposed the contentions aforesaid and submitted that the applicant is named in the F.I.R. and there is sufficient proof that he has committed the offence, as such, he is not entitled to any relief.

Considering the aforesaid facts and circumstances of the case and after perusal of the record, this Court find it to be a fit case of anticipatory bail.

The present applicant **Radhe Shyam** shall be released forthwith in the aforesaid case crime (**supra**) on anticipatory bail on his furnishing personal bond and two solvent sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i) that the applicant shall make himself available for interrogation by a police officer as and when required;
- (ii) that 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 from disclosing such facts to the court or to any police officer or tamper with the evidence;
- (iii) that the applicant shall not leave India without the previous permission of the court;
- (iv) that in case charge sheet is submitted the applicant shall not tamper with the evidence during the trial;
- (v) that the applicant shall not pressurize/ intimidate the prosecution witness;
- (vi) that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;
- (vii) that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

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

(Shree Prakash Singh,J.)

June 30, 2026
Ram Murti