



2026:AHC:179718

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 8780 of 2026

Nasir Khan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohammad Waseem
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. Heard Shri Mohammad Waseem, learned counsel for the applicant and Sri Paritosh Malviya, learned A.G.A. for the State as well as perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 1146 of 2025, under section 190, 191(2), 191(3), 124(2), 121, 125, 352, 351(3), 109, 299, 223, 61(2) B.N.S. & Section 7 Criminal Law Amendment Act, Police Station Baradari, District Bareilly, with a prayer to enlarge him on anticipatory bail during pendency of the trial.

3. Learned counsel for the applicant states that the applicant was named in a case being Case Crime No.388/2025, wherein the offences were punishable upto the maximum of seven years. He submits that the police finding that the applicant would take advantage of the provisions of law, the police have falsely implicated the applicant in the present case even though he was not named in the FIR. He further submits that no specific role has been assigned to the applicant in the statement of any of the injured witnesses. The applicant has no previous criminal case against him and it is only after his implication in Case Crime No.388/2025 that the applicant has now been implicated in four criminal cases. Criminal history has been explained through supplementary affidavit. He states that the applicant is a poor shopkeeper and if he is sent to jail his livelihood would be effected. He states that despite time having been granted to the Learned AGA, no counter affidavit has been filed till date.

4. Learned AGA states that the applicant has participated in a hate crime. The applicant was one of the persons, who has formed unlawful assembly and assaulted police personnel by pelting stones and acid bottles, which led to injuries on the person of two police personnel namely Head Constable Siddhant Chaudhary and Constable Ashish. He, however, could not dispute the fact that in the statement of the injured witnesses, no role has been ascribed specifically to the applicant. A perusal of the medical examination report also reveals that there are no grievous injuries on the person of the police personnel.

5. Taking into account the entire facts and circumstances of the case as well as the statement of the injured witnesses, I find that the custodial arrest and detention of the applicant is not required. It also prima facie appears that the number of participants in the alleged crime and the injuries sustained by the injured are not commensurate to each other. In such circumstances, I find it appropriate to enlarge the applicant on anticipatory bail during the pendency of his trial.

6. In view of the above, the anticipatory bail application of the applicant is allowed.

7. In the event of the arrest of the **applicant-Nasir Khan**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and two sureties 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 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;
- iii. that the applicant shall not leave India without the previous permission of the Court;
- iv. that the applicant shall not pressurize/intimidate the prosecution witness;

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

9. 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.

(Subhash Chandra Sharma,J.)

August 25, 2026

T.S.