



2026:AHC:179851

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 8805 of 2026**

Murshid Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manvendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, 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 applicant in Case Crime No.323 of 2025, under Sections 109, 115(2), 351(3), 352, 117(2), 118(2), 118(1), 324(4), 333, 3(5) of the BNS, P.S.- Bhojipura, District- Bareilly, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the above-mentioned case.
3. This is the third anticipatory bail application.
4. The first anticipatory bail application was dismissed for want of prosecution.
5. The second anticipatory bail application was dismissed as withdrawn with liberty to the applicant to file a fresh application explaining in detail his criminal history.
6. The Learned counsel for the applicant contends that the criminal history of the applicant has been duly explained in paragraph no.40 of the affidavit accompanying the anticipatory bail application. Learned counsel has further submitted that the case of the applicant is at par with that of Nasir, who has been granted anticipatory bail by this Court in **CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 7385 of 2025**. The First Information Report is against 22

persons who are said to have assaulted four injured, but none of the injuries received by the injured could be categorized to be dangerous to life.

7. Learned counsel for the informant, Shri Sukhendra Singh, has opposed the prayer for bail and has contended that a brutal assault has been made on the four injured. They have received numerous injuries. The intent to kill is clear from the repeated assault. Further argument is that one of the injured, Saira Bano, has received a fracture on her head, which is a grievous injury which could have resulted in the death of Saira Bano. Learned counsel for the informant, however, could not dispute the explanation given by the applicant with respect to his criminal antecedents.

8. Learned A.G.A. has also adopted the submissions made by the Learned counsel for the informant.

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

10. Similarly situated co-accused has already been granted anticipatory bail by this Court. The allegation is against 22 persons assaulting four injured persons. No specific role has been assigned to the applicant. The applicant has duly explained his criminal antecedents. *Prima facie*, this Court, taking into account the number of injuries and the number of accused nominated in the First Information Report, finds that false implication or over implication cannot be ruled out.

11. 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 applicant on anticipatory bail.

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

13. In the event of the arrest of the applicant **Murshid Khan**, he 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 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;

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

15. 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 25, 2026
Sachin