



2026:AHC:173236

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 8394 of 2026**

Saif Khan

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Javed Khan, Sr. Advocate,
Umesh Chandra Shukla
Counsel for Opposite Party(s) : Ashok Kumar Singh, G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Shri Amit Daga, Learned Senior Advocate assisted by Shri Javed Khan, Learned counsel for the applicant, Shri Mewa Lal Yadav, Advocate holding the brief of Shri Ashok Kumar Singh, Learned counsel for the informant and 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.84 of 2026, under Sections 191(2), 191(3), 115(2), 351(3), 110, 109(1) & 352 Bharatiya Nayaya Sanhita (B.N.S.), 2023 at Police Station-Diladarnagar, District-Ghazipur with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.

3. Shri Amit Daga, Learned Senior Advocate has contended that prior to the incident in question, the applicant was assaulted by the injured for which a first information report was lodged by the applicant's brother on 27.04.2026. The injured appears to have been injured in a road traffic accident while going on a motorbike on 27.04.2026 at about 8:30 PM and taking advantage of the said road accident, this false FIR was registered by the brother of the injured, Azimuddin Khan. Learned Senior Counsel referring to the discharge summary of

Oriana Hospital points out that it has been specifically mentioned therein that the injured had been admitted on 28.04.2026 at about 2.13 AM as a case of 'RTA due to bike' (RTA stands for 'Road Traffic Accident'). The date of incident and time of incident mentioned therein was 27.04.2026 at 8.30 PM. Learned Senior Counsel has further contended that in the first information report, the brother of the injured has mentioned that the injured was being treated at Asharfi Hospital whereas no medical report or other paper has been collected during investigation, which may indicate that the injured was ever treated at Asharfi Hospital. The injury sustained by the injured includes a fracture in the parieto occipital bone. The applicant has no criminal history to his credit, however, post his implication in the present case another, an FIR has been registered for offences under Sections 351(3), 352 BNS.

4. Learned counsel for the informant and Learned AGA have opposed the prayer for bail. Learned counsel for the informant has contended that the injured was admitted in the hospital by his brother, Fahimuddin Khan, whereas the FIR has been registered by another brother, Azimuddin Khan. As such, there could be some mistake in the name of the hospital told to the police. The doctor of Asharfi Hospital has admitted that the injured was taken to the Asharfi Hospital, however, after the first aid, he was shifted to another hospital. Learned AGA has contended that the applicant is specifically named in the FIR. He is instrumental in assaulting the injured, who has received grievous injuries. The injured has received seven injuries, out of which one head injury has resulted in a fracture of parieto occipital bone. Learned counsels however have not been able to dispute the explanation given by the applicant with respect to his criminal antecedents.

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

6. The applicant has been nominated in the FIR along with five other named accused and two to three unknown persons. The injured has received seven injuries, one of which is stated to be a grievous injury. In the discharge summary filed by means of the supplementary affidavit, the remark regarding the injury received by the injured due to 'RTA due to bike' is also available in the case diaries as informed by the learned AGA. The Learned counsel for the informant and the Learned AGA have not been able to dispute that RTA stands for Road Traffic Accident. Prima facie, taking into account the fact that the first information report from the side of the applicant was registered against the injured on 27.04.2026 as Case Crime No.82 of 2026, in the opinion of the Court false implication of the applicant cannot be ruled out.

7. Taking into consideration the facts and circumstances of the case, I deem it appropriate to enlarge applicant on anticipatory bail.

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

9. In the event of the arrest of the applicant-**Saif Khan**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety 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;

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

11. 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.

August 17, 2026

A. Pandey

(Rajiv Lochan Shukla,J.)