

RESERVED



2026:AHC-LKO:41147

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW
CRIMINAL MISC. BAIL APPLICATION No. - 11097 of 2024**

Ankur Tripathi @ Uddhav @ Udbhav
.....Applicant(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Home Lko.
.....Opposite Party(s)

Counsel for Applicant(s)	: Ashok Kumar Srivastava, Anil Kumar Tripathi, Avinash Srivastava, Ayush Singh, Sushil Kumar Singh, Yugal Kishor Tripathi
Counsel for Opposite Party(s)	: G.A., .., Anil Kumar Tripathi, Neeraj Singh

Along with

**CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. -
27 of 2025**

Basant Kumar Singh
.....Applicant(s)

Versus

State of U.P. Thru. Prin. Secy. Home Deptt. Lko. and another
.....Opposite Party(s)

Counsel for Applicant(s)	: Neeraj Singh,
Counsel for Opposite Party(s)	: G.A., Anil Kumar Tripathi, Yugal Kishor Tripathi

Judgment Reserved On: 21.05.2026

Judgment Pronounce On: 16.06.2026

Court No. - 11

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Anil K. Tripathi, the learned counsel for the applicant, Sri Rajiv Kumar Verma, the learned A.G.A.-I appearing on behalf of the State and Sri Neeraj Singh, the learned counsel for the informant in Criminal Misc. Bail Application No.11097 of 2024 and Sri Neeraj Singh, the learned counsel for the applicant, Sri Rajiv Kumar Verma, the learned A.G.A.-I appearing on behalf of the State and Sri Anil K. Tripathi, the learned counsel for the opposite party no.2 in Criminal Misc. Bail Cancellation Application No.27 of 2025.
2. Criminal Misc. Bail Application No.11097 of 2024 has been filed seeking release of the applicant-Ankur Tripathi @ Uddhav @ Udbhav on bail in F.I.R. bearing Case Crime No.230 of 2024, under Sections 307, 34 of I.P.C. and Section 7 Criminal Law Amendment Act and Section 3/25 of Arms Act, registered at Police Station Antu, District Pratapgarh.
3. Criminal Miscellaneous Bail Cancellation Application No. 27 of 2025 has been filed seeking cancellation of an order dated 22.12.2023, passed by this court in Criminal Misc. Bail Application No.15282 of 2023, whereby the accused Ankur Tiwari was enlarged on bail in Case Crime No.266 of 2023 under Sections 387, 427, 506 IPC, Police Station Antu, District Pratapgarh. The Bail Cancellation Application No.27 of 2025 was also listed along with the Bail Application No.11097 of 2024 because the allegation in the Bail Cancellation application is that the offence in which the accused is seeking bail, has been committed after being released on bail. Therefore, both these applications are being decided together by this common judgment.
4. The F.I.R. bearing Case Crime No.230 of 2024 has been lodged by the informant against three persons including the applicant-Ankur

Tripathi, his father Sunil Tripathi and uncle Sudhir Tripathi, besides an unnamed person, stating that the complainant's elder brother Basant Kumar Singh is an Assistant Teacher in Primary School Katka Manapur, he was going to the market at about 9:30 a.m. on 13.05.2024 for getting some things for the school. The accused persons ambushed him on the way and all of them indulged in indiscriminate firing in which the victim got injured. The incident spread terror in the locality. The persons present nearby closed the doors of their premises. The passersby also got terrorized and ran away, leaving their footwear on the spot. The complaint stated that Mitani Saroj and Rahul Saroj had witnessed the incident. Upon getting information of the incident the complainant reached the spot and took his brother to Community Health Center, Kishunganj from where he was taken to the District Hospital, Pratapgarh and ultimately he was referred to Prayagraj, where he was admitted to the intensive care unit of a private hospital and was undergoing treatment.

5. The medico legal examination report prepared by the Emergency Medical Officer, District Hospital, Pratapgarh mentions the following injuries suffered by the victim: -

"i. A lacerated wound 1.2cmX1.2cm over the left pelvis, bleeding was present and blackening was also present.

ii. A lacerated wound 1cmX1cm over the right knee joint, bleeding was present.

iii. A lacerated wound of size 2cmX1.8 cm over the lateral aspect of the right side of the chest. Bleeding was present.

iv. Abrasion 4cmX2cm over the left side of the chest."

6. The doctor opined that injuries numbers 1,2 and 3 were caused by a firearm and the injury number 4 was caused by some hard and blunt object.

7. The applicant Ankur Tripathi and a co-accused Praveen Pal were arrested by the police on 14.05.2024. An illegal pistol along with two live cartridges in its magazine were recovered from the applicant. Five illegal country-made sutli bombs were recovered from a plastic bag being carried by the other accused Praveen Pal.

8. In the custodial statement the applicant confessed the guilt and stated that he had an animosity with the victim who is husband of the Village Pradhan. The applicant is said to have stated that he had demanded commission in the works of gram sabha, but the victim lodged a case of extortion and sent the applicant to jail. To take revenge for the aforesaid incident the applicant and other accused persons had caused the incident.

9. The other accused person Praveen Pal stated that he did not have any animosity with the victim but as he was a friend of the applicant, he had joined the applicant in commission of offence.

10. The complainant reiterated the F.I.R. version in the statement recorded under Section 161 Cr.P.C. The eye witnesses Mitani Saroj and Rahul Saroj named in the F.I.R. also reiterated the F.I.R. version.

11. In the affidavit filed in support of the bail application the applicant's involvement in 13 other criminal cases has been disclosed in 10 of which he has been granted bail, in one case the investigating officer has submitted a closure report and the applicant claims to have not received any summons regarding the other two cases.

12. The State has filed a counter affidavit annexing therewith copies of material collected during investigation, including the statement of the victim Basant Kumar Singh, who stated that he was a teacher in a government school. His wife is the Village Pradhan and he supports his wife in her works. The applicant is a person of criminal mentality and he is a history sheeter. He interferes in the works of the village. He had

demanded extortion money from the victim, in which case the applicant had to remain in jail and he had remained in jail in connection with several other matters also. The applicant keeps animosity against the victim and for this reason the applicant and Praveen Pal had fired several shots on the victim while he had gone out of the school for getting some goods from the market. The victim tried to run away but he fell down. He regained consciousness in the hospital. He underwent a surgical operation on 13.05.2024 itself, in which three bullets were removed from his body. He was discharged on 28.05.2024 but as he was not in a position to give his statement, the statement was recorded on 16.07.2024.

13. During investigation the allegations against the applicant's father Sunil Tripathi and uncle Sudhir Tripathi could not be established and a charge-sheet has been submitted on 16.07.2024 against the applicant for the offences under Section 307/34 I.P.C., Section 7 of Criminal Law Amendment Act and Section 3/25 of Arms Act and against the co-accused Praveen Pal for the offences under Sections 307/34 I.P.C., Section 7 Criminal Law Amendment Act and Section 4/5 of the Explosives Substances Act.

14. The complainant has also filed a counter affidavit annexing therewith a copy of the statement of the doctor who had conducted the medico legal examination of the victim. He stated that the victim had three fire arm injuries - (i) above left hip and below the abdomen on the left side (ii) on the right knee and (iii) on the right side of chest.

15. Copies of statements of two other persons - Uma Shanker Singh and Subedar Verma have been annexed with the counter affidavit of the complainant but they were not the eye witnesses of the incident.

16. The complainant has filed a supplementary counter affidavit stating that the applicant is not cooperating in expeditious disposal of the

trial. It is stated that in the supplementary counter affidavit that the examination-in-chief of the complainant was conducted on 21.03.2025. Thereafter, 11.04.2025, 24.04.2025, 07.05.2025, 14.05.2025 and 16.05.2025 were fixed for his cross-examination on behalf of the applicant, but the cross-examination was not conducted and ultimately, the opportunity of cross-examination was closed on 29.05.2025. Thereafter, an application under Section 311 Cr.P.C. was filed on behalf of the applicant, which was allowed subject to payment of Rs. 200/- as cost and the matter was again fixed for 13.06.2025 for cross-examination of PW-1.

17. A supplementary affidavit has been filed on behalf of the applicant annexing therewith copies of the statements of PW-1 Hemant Kumar Singh alias Guddu Singh (the complainant), PW-2 Basant Kumar Singh (the victim) and PW-3 Dr. Ashutosh Singh (emergency medical officer) recorded by the trial Court.

18. During his examination-in-chief the victim reiterated the prosecution case. During cross-examination, PW-2 stated that he was working in Primary School, Katka Manapur, Antu Pratapgarh. The accused had given a complaint against his B.Ed degree and handicap certificate. The accused had given an IGRS complaint and complaints to the DM and DPRO regarding the election of the victim's wife as Village Pradhan. The accused had also given a complaint regarding the interlocking work between the primary school and Kolbazar Deeh, regarding which an inquiry was conducted. Another complaint was filed alleging that the work was allotted to a firm of the victim's younger brother. The victim further stated that prior to lodging a case alleging extortion, he had lodged another case against the applicant.

19. The applicant's father Sunil Kumar Tripathi, had lodged FIR No. 528/2022 under Sections 323 and 308 IPC against Sachin Singh, son of

the victim Basant Kumar Singh. The victim stated that the applicant had fired four shots continuously towards him, three of which had hit him.

20. The doctor (P.W-3) stated that the victim had suffered three gunshot injuries, one on the outer aspect of the hip, the second on the right knee and the third towards the outer aspect of the right side of the chest, 15 cm below the armpit. Blackening was present on all the three injuries.

21. A supplementary counter affidavit has been filed on behalf of the applicant stating that the applicant has been granted bail in Case Crime No.266 of 2023, under Sections 387, 427, 506 I.P.C. Police Station Antu, District Pratapgarh (the case lodged by the victim alleging extortion by the applicant) by means of an order dated 22.12.2023, passed by this court in Criminal Misc. Bail Application No.15282 of 2023.

22. The victim has filed Criminal Miscellaneous Bail Cancellation Application No.27 of 2025, stating that the applicant had misused the liberty of bail by committing another offence under Section 307 IPC against the victim.

23. This Court had rejected the bail cancellation application by means of an order dated 04.12.2025 on the ground that the accused was already in custody in connection with the subsequent FIR and, therefore, there was no apprehension of misuse of the liberty of bail granted by means of the order dated 22.12.2023. The victim had challenged this order by filing Special Leave Petition (Criminal) No.2378 of 2026, which was allowed by means of an order dated 29.04.2026 passed by the Hon'ble Supreme Court and the order dated 22.12.2023 passed by this Court was set aside holding that the High Court ought not to have rejected the bail cancellation application for the above reason and should have considered as to whether the accused had actually misused the bail order warranting its cancellation.

24. The aforesaid facts indicate that there is an old animosity going on between the parties. The victim Basant Kumar Singh is a teacher serving in a government school and he claims to be assisting in performance of the duties of his wife as Village Pradhan. The accused Ankur Tiwari has made numerous complaints against the victim Basant Kumar Singh. An animosity is going on between the parties for the aforesaid reasons. The victim Basant Kumar Singh had lodged FIR No.266 of 2023 under Sections 387, 427, 506 IPC in Police Station Antu, District Pratapgarh against the applicant Ankur Tiwari alleging that he was demanding Rs.20,000/- as extortion money. After Ankur Tiwari was granted bail in the aforesaid case by means of an order dated 22.12.2023 passed by this court in Criminal Misc. Bail Application No.15282 of 2023, he is said to have inflicted gun-shot injuries to the victim, due to which he had to remain admitted to hospital for more than 15 days, regarding which FIR No. 230 of 2024 has been lodged.

25. The aforesaid allegations prima facie make out commission of a serious offence because of an old animosity and the seriousness is aggravated as the offence was committed while the accused Ankur Tiwari was already on bail in Case Crime No. 266 of 2023 under Sections 387, 427, 506 IPC, Police Station Antu, District Pratapgarh, lodged by the victim himself. Moreover, the accused Ankur Tiwari is on bail in nine more criminal cases.

26. Thus, it is clear that the accused applicant, who has a long criminal history, has committed yet another offence against the victim of a previous offence while he was on bail in a case lodged by the victim and he has misused the liberty of bail.

27. The Hon'ble Supreme Court has, through its various judgments, laid down certain factors to be considered while cancelling bail granted to an accused person, which *inter alia* include interference or attempt to interfere with the due course of administration of justice by intimidating

or suborning witnesses or by interfering with investigation or by causing disappearance of evidence or evasion or attempt to evade the due course of justice by absconding or the abuse of the concession granted to the accused in any manner including indulgence in other unlawful acts or offences, or the development of any supervening circumstance post bail which renders the continuation of enlargement on bail non conducive to a fair trial. Post bail conduct of an accused person is a relevant factor to be considered in order to decide whether he has abused the concession of bail granted to him. In the facts of the present case, commission of yet another offence by the applicant against the same victim constitutes a supervening circumstance demonstrating misuse of the liberty granted to the applicant. Therefore, continuation of such grant of such liberty in his favour does not appear to be just in the eyes of law.

28. In **Ash Mohammad v. Shiv Raj Singh and Ors.:** (2012) 9 SCC 446 the Hon'ble Supreme Court has elaborated upon duty of Courts to strike a balance between individual liberty and larger societal interest by observing that: -

"19. We are absolutely conscious that liberty of a person should not be lightly dealt with, for deprivation of liberty of a person has immense impact on the mind of a person. Incarceration creates a concavity in the personality of an individual. Sometimes it causes a sense of vacuum. Needless to emphasize, the sacrosanctity of liberty is paramount in a civilized society. However, in a democratic body polity which is wedded to Rule of Law an individual is expected to grow within the social restrictions sanctioned by law. The individual liberty is restricted by larger social interest and its deprivation must have due sanction of law. In an orderly society an individual is expected to live with dignity having respect for law and also giving due respect to others' rights. It is a well accepted principle that the concept of liberty is not in the realm of absolutism but is a restricted one. The cry of the collective for justice, its desire for peace and harmony and its necessity for security cannot be allowed to be trivialized. The life of an individual living in a society governed by Rule of Law has to be regulated and such Regulations which are the source in law subserve the social balance and function as a significant instrument for protection of human rights and security of the collective. It is because fundamentally laws are made for their obedience so that every

member of the society lives peacefully in a society to achieve his individual as well as social interest. That is why Edmond Burke while discussing about liberty opined, "it is regulated freedom".

20. It is also to be kept in mind that individual liberty cannot be accentuated to such an extent or elevated to such a high pedestal which would bring in anarchy or disorder in the society. The prospect of greater justice requires that law and order should prevail in a civilized milieu. True it is, there can be no arithmetical formula for fixing the parameters in precise exactitude but the adjudication should express not only application of mind but also exercise of jurisdiction on accepted and established norms. Law and order in a society protect the established precepts and see to it that contagious crimes do not become epidemic. In an organized society the concept of liberty basically requires citizens to be responsible and not to disturb the tranquility and safety which every well-meaning person desires. Not for nothing J. Oerter stated:

Personal liberty is the right to act without interference within the limits of the law.

21. Thus analyzed, it is clear that though liberty is a greatly cherished value in the life of an individual, it is a controlled and restricted one and no element in the society can act in a manner by consequence of which the life or liberty of others is jeopardized, for the rational collective does not countenance an anti-social or anti-collective act."

29. In the facts of the present case, the conduct of the applicant in committing a fresh offence against the victim warrants cancellation of the bail granted to him.

30. Having considered the aforesaid facts and circumstances of the case, I am of the view that the aforesaid facts do not warrant enlargement of the applicant on bail in FIR No.230 of 2024, under Sections 307/34 IPC, Section 7 Criminal Law Amendment Act and Section 3/25 Arms Act, Police Station Antu, District Pratapgarh. Therefore, the Criminal Miscellaneous Bail Application No. 11097 of 2024 is liable to be rejected.

31. Further, as the applicant has misused the liberty of bail granted by means of the order dated 22.12.2023, passed by this Court in Criminal Misc. Bail Application No.15282 of 2023, in Case Crime No.266 of 2023 under Sections 387, 427, 506 IPC, Police Station Antu, District Pratapgarh, I am of the view that the order dated 22.12.2023, passed in Criminal Misc. Bail Application No.15282 of 2023 is liable to be cancelled.

32. Accordingly, Criminal Misc. Bail Application No.11097 of 2024: Ankur Tripathi Vs. State of U.P., seeking release of the applicant-Ankur Tripathi @ Uddhav @ Udbhav on bail in Case Crime No.230 of 2024, under Sections 307, 34 I.P.C. and Section 7 Criminal Law Amendment Act and Section 3/25 Arms Act, registered at Police Station Antu, District Pratapgarh is hereby rejected. Criminal Misc. Bail Cancellation Application No.27 of 2025 is allowed and the order dated 22.12.2023, passed by this Court in Criminal Misc. Bail Application No.15282 of 2023, in Case Crime No.266 of 2023 under Sections 387, 427, 506 IPC, Police Station Antu, District Pratapgarh is hereby cancelled.

33. The necessary consequences shall follow.

(Subhash Vidyarthi,J.)

June 16, 2026
Ram.

Whether the order is speaking : Yes/No

Whether the order is reportable : Yes✓/No