



2026:AHC-LKO:19995

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

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

Abhay Singh @ Dhruvraj Singh

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Kailash Nath Mishra, Rahul Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

1.Heard learned counsel for the applicant, Mr. Sanjeet Kumar Patel, learned counsel for respondent No.2 who has filed vakalatnama today which is taken on record, as well as learned Additional Government Advocate for State.

2.The present application has been filed seeking anticipatory bail in case crime No.14 of 2026 under section 109(1) BNS, P.S.Patranga, district Ayodhya/Faizabad.

3.It is alleged in the prosecution case that on 19.1.2026 between 5-6 p.m., elder brother of the complainant Durgesh Tiwari was sitting in front of house of Pramod Pandey. At that time, Abhay Singh, applicant arrived there on a 4-wheeler and demanded money from Durgesh Tiwari and when he denied, Abhay Singh hit his brother on head by iron rod with intention to kill him. In between Sudhakar Tiwari and Ankit came to rescue, then Abhay Singh managed to escape.

4.Learned counsel for applicant submits that the incident occurred due to sudden provocation. There was no intention to assault and ingredients of section 109 BNS are missing. It is further submitted that the injury is simple in nature.

5.Learned A.G.A. and complainant's counsel have opposed the bail. Learned A.G.A. submits that the injury is on vital part. It is on right-side of the scalp.

In the CT scan, hematome-likely soft tissue injury is found.

6.I have considered the submission and perused the record as well as the rejection order passed by the trial court. Relevant part of the order is extracted below :

"4. आवेदक/ अभियुक्त के विद्वान अधिवक्ता एवं सहायक जिला शासकीय अधिवक्ता फौजदारी को सुना तथा सम्पूर्ण पत्रावली का अवलोकन किया है। प्रकरण में आवेदक/ अभियुक्त द्वारा मजरूफ के सर पर लोहे की राड से प्रहार कर जान से मारने का प्रयास किया जाना कहा गया है। बचावपक्ष का कथन कि प्लास्टिक की कुर्सी टूट जाने से गिरकर मजरूफ को चोट आयी और उसने कोई हमला नहीं किया है। विश्वसनीय प्रतीत नहीं होती है, चूंकि मेडिकल रिपोर्ट जिसका विवरण इंजरी रिपोर्ट में अंकित है जिसमें जिसमें विशेषज्ञ ने चोटों के सम्बन्ध में अपनी राय अंकित है:-16.0X2.0 CM on the right side scalp situated, 15.0 CM above right ear bleeding present and deep to bone. विशेषज्ञ द्वारा सिर के सी०टी० स्कैन कराने की राय दी गयी है। चोटें सख्त वस्तु से लगभग एक घण्टे पूर्व आना अंकित किया गया है। सी०टी० स्कैन रिपोर्ट में *Subcutaneous diffuse scalp swelling seen in right partiel region with hematome-likely soft tissue injury* अंकित किया गया है। इसके अतिरिक्त वादी मुकदमा के अधिवक्ता द्वारा सूची से मजरूफ के रंजीन छायाचित्र सर पर आयी चोटों के सम्बन्ध में प्रस्तुत किया गया है। थाने से प्राप्त आपराधिक इतिहास में अभियुक्त के विरुद्ध आपराधिक इतिहास पाया गया है। सर के बिल्कुल बीचोबीच कोई चोट किसी वस्तु के मारने से तो आना सम्भव है, किन्तु कुर्सी से गिरने के कारण उक्त स्थान पर चोट सम्भव नहीं है।

8. अतः अपराध की गम्भीरता तथा प्रकरण के समस्त तथ्य एवं परिस्थितियों को दृष्टिगत रखते हुए तथा प्रकरण के गुण दोष पर कोई राय व्यक्त किये बिना मैं इस निष्कर्ष पर पहुँचता हूँ कि आवेदक/अभियुक्त एका अग्रिम जमानत आवेदन पत्र स्वीकार किये जाने के आधार अपर्याप्त हैं।"

7.On due consideration to the facts and circumstances of the case, injury report, specific role of causing injury is on the present applicant in the statement of the injured, injury is 16.0x2.0cm on the right side scalp, 15.0cm above and right ear bleeding is found present, the injury is deep to bone, in the CT scan, subcutaneous diffuse scalp swelling in right parietal region with hematome-likely soft tissue injury is found, it cannot be said that it is a case of false implication. The complicity of the applicant is evident and no case for anticipatory bail is made out.

8.At this stage, learned counsel for the applicant submits that he may be granted liberty to file regular bail application and the same may be decided in the light of judgment of Supreme Court in **Satender Kumar Antil versus Central Bureau of Investigation and another Special Leave to Appeal (Cri)No.5191 of 2021.**

9.In view of the above, prayer for anticipatory bail is refused and the application is dismissed. However, it is provided that in case the applicant

files a regular bail application within two weeks from today, the same be decided expeditiously, strictly in view of the law laid down by Supreme Court in **Satender Kumar Antil versus Central Bureau of Investigation and another Special Leave to Appeal (Cri)No.5191 of 2021.**

(Karunesh Singh Pawar,J.)

March 19, 2026

kkb/