



2026:AHC:53873

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2534 of 2026**

Khurshid Ullah

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shashank Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Shashak Tripathi, learned counsel for the applicant, Shri Manoj Gautam, learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in Case Crime no. 84 of 2025, under Sections 318(4), 338, 336(3), 340(2), 61(2), 308(5) B.N.S., Police Station Chamanganj, District-Kanpur Nagar, with the prayer that in the event of arrest, applicant may be released on bail.
3. It is contended by learned counsel for the applicant that the applicant is merely a marginal witness to the alleged Hiba (gift deed) dated 04.01.1996. It is further submitted that the grandfather of the first informant had executed the property in favour of Ishaq Khan, who, in turn, executed a Hiba of the said property in favour of co-accused Istiyak Ahmad. It is also submitted that a civil dispute arose between the applicant and other co-accused persons on one side and the first informant on the other, and the said civil suit has already been decreed by the learned Civil Court, wherein the Hiba in question was found to be genuine during the course of trial. It is also submitted that the applicant is having no criminal history. It was also submitted that applicant undertakes to co-operate during trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

4. On the other hand, learned A.G.A. has opposed the application for anticipatory bail.

5. Applicant is said to be marginal witness of the alleged Hibanama which is said to be executed by father of co-accused of Ishtihak Ahmad in his favour. The Civil Suit between the parties have been decided on the basis of said Hibanama and the Civil Suit has been decreed in favour of the co-accused persons.

6. It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

7. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

8. The anticipatory bail application is **allowed**.

9. In the event of arrest of the applicant- **Khurshid Ullah** involved in the aforesaid case crime shall be released on anticipatory bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

(i) The applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) 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/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would co-operate during trial and would not misuse the

liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

10. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

(Jitendra Kumar Sinha,J.)

March 17, 2026

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