



2026:AHC:61981

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 2742 of 2026

Qadeer Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sudarshan Singh, Vivek Sehgal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Sudarshan Singh, learned counsel for the applicant, Sri B.P. Singh, 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. 40 of 2026, u/s 109, 324(4), 121(1), 131, 3(5) BNS and Section 4/21 Mines and Minerals Act, P.S. Baheri, District Bareilly with the prayer that in the event of arrest, the applicant may be released on bail.
3. It is contended by learned counsel for the applicant that 39 unknown and 5 named persons have been made accused in the alleged incident. However, no one has received any injury in the incident. It is further submitted that as per the FIR several trucks were indulged in illegal mining activities and when the police intercepted them they tried to run their motor vehicles over the police officers. It is next submitted that co-accused Shaanu and Shaane Alam have already been enlarged on anticipatory bail by this Court vide order dated 17.03.2026 in Criminal Misc. Anticipatory Bail Application Nos. 2550 of 2026 and 2559 of 2026 respectively. It is further submitted that applicant undertakes to co-operate during trial and to appear as and when required by the investigating agency or Court and in case he is granted anticipatory bail, he shall not misuse the liberty of bail and would obey all conditions of bail.
4. On the other hand, learned A.G.A. opposed the prayer for grant of anticipatory bail, but could not dispute the fact that co-accused have been enlarged on anticipatory bail.

5. I have considered the rival submissions made by learned counsel for the parties.

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, the Court must consider nature and gravity of accusation, antecedents of the accused, possibility of accused to flee from justice and that Court must evaluate the entire available material against the accused carefully and the exact role of accused has also to be taken into consideration.

7. Considering all attending facts and circumstances of the case, settled principle of law regarding anticipatory bail, submissions of learned counsel for the parties, nature of accusation, role of applicant and the fact that no one has received any injury in the alleged incident, 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 Qadeer Khan involved in the aforesaid case crime, he 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 shall appear before the trial Court either in person or through counsel on each and every date fixed unless exempted by the Court concerned and shall not seek any undue adjournment;

(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.

March 20, 2026

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(Jitendra Kumar Sinha,J.)