



2026:AHC:62616

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2921 of 2026

Alok Mishra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sarvesh Kumar Mishra
Counsel for Opposite Party(s)	: G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Learned counsel for the applicant; and learned A.G.A. for the State are present.
2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 33 of 2025, under Sections 69, 316(2), 318(4) of the B.N.S., 2023, Police Station – Mungrabadshahpur, District Jaunpur, with a prayer to enlarge him on anticipatory bail, till the conclusion of the trial.
3. The learned counsel for the applicant states that the applicant has been falsely implicated in the present case. He seeks anticipatory bail on the following grounds :-
 - i. The First Information Report (FIR) has been lodged with a delay.
 - ii. Initially, the FIR was lodged under Sections 64, 316(2) and 318(4) of the B.N.S.
 - iii. The statement under Section 183 of the B.N.S.S. clearly indicates that the applicant and the victim were in a romantic relationship, which fact has been concealed in the FIR.
 - iv. The case has been converted under Sections 69, 316(2) and 318(4) of the B.N.S.
 - v. An offence of "criminal breach of trust" and "cheating" cannot coexist as held by the Hon'ble Supreme Court in **Delhi Race Club (1940) Ltd. &**

Others vs. State of Uttar Pradesh & Anr. (2024) 10 SCC 690.

vi. The applicant has no criminal antecedents.

vii. The victim is a resident of Assam and the applicant and the victim came to know of each other through social media.

viii. There is no false promise of marriage.

ix. The victim is a married lady and has not been divorced.

4. Learned A.G.A. has opposed the prayer for grant of anticipatory bail; however, he could not dispute the fact that the applicant and the victim were in a romantic relationship. The learned A.G.A. also could not point out any criminal antecedents of the applicant.

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

6. The FIR is delayed and has been lodged on 13.02.2025 when the incident is said to have occurred between 06.01.2023 to 03.01.2025. The FIR was initially lodged for offences under Sections 64, 316(2), and 318(4) of the B.N.S.. The statement of the victim recorded under Sections 180 and 183 of the B.N.S.S. paints a different picture from the one set up in the FIR and it appears that the applicant and the victim were in a long standing relationship. In the opinion of the Court, such long standing relationship cannot be considered to be an offence under Section 69 of the B.N.S. Even otherwise, an offence of "cheating" and "criminal breach of trust" cannot co-exist as held by the Hon'ble Supreme Court in **Delhi Race Club (1940) Ltd. & Others vs. State of Uttar Pradesh & Anr. (2024) 10 SCC 690** and **Arshad Neyaz Khan vs. State of Jharkhand & Another 2025 Live Law SC 950**.

7. Taking into consideration all the above mentioned facts and circumstances of the case and fact that the applicant has no reported criminal antecedents, I deem it appropriate to enlarge the applicant on anticipatory bail.

8. The anticipatory bail application of the applicant is **allowed**.

9. In the event of the arrest of the applicant- **Alok Mishra**, involved in the aforesaid case crime, he shall be released on anticipatory bail on his

furnishing a personal bond and two sureties each 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. 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. The applicant shall not leave India without the previous permission of the Court;
- iv. 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.

(Rajiv Lochan Shukla,J.)

March 25, 2026
Kushal