



2026:AHC:54895

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 2017 of 2026

Nayab Khan Alias Nimma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ehtesham Afsar Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 83

HON'BLE SUBHASH CHANDRA SHARMA, J.

Heard learned counsel for the applicant and Sri Nitesh Kumar Srivastava, learned AGA for the State.

The instant Anticipatory Bail Application has been filed by the applicant with a prayer to grant an anticipatory bail to the applicant in Case Crime No. 1146 of 2025, under Sections 190, 191(2), 191(3), 125, 352, 124(2), 351(3), 121, 221, 109, 299, 223, 61(2) BNS and Section 7 Criminal Law Amendment Act, P.S. Baradari, District Bareilly

It is submitted by learned counsel for the applicant that he is innocent and has been falsely implicated in the present case for committing the offence of rioting. Further submitted that he was named in the F.I.R. No specific role has been assigned to the present applicant except riot and general role. The injuries said to be caused on two persons were simple in nature. There is no any credible evidence to connect the applicant with the crime. Criminal history against the applicant has been explained properly. Other named and unnamed co-accused persons namely, Mustkeem @ Mohd Mustakeem, Umaid Alias Umaid Ahmad, Arif @ Arif Khan, Mohd Naeem Qureshi @ Lali and another, Ajmal Rafi have already been granted bail by coordinate Bench of this Court on 24.11.2025, 16.12.2025, 07.01.2026, 11.02.2026 and 27.02.2026 through Criminal Misc. Bail Application Nos. 41334 of 2025, 41167 of 2025, 45933 of 2025, 1121 of 2026 and 1095 of 2026. Since the role of the applicant is not distinguishable with the role of co-accused who have already granted bail by co-ordinate Bench of this Court. Lastly, it is submitted that the applicant is under apprehension of imminent arrest. In

case, the applicant is released on bail, he would not misuse the liberty of bail and would cooperate with the trial, so requested for anticipatory bail.

Learned AGA opposed the prayer as aforesaid but could not dispute the fact that above noted co-accused persons have already been granted bail by co-ordinate Bench of this Court. .

Considering the facts and circumstances of the case, submissions made by learned counsel for the applicant as well as learned A.G.A., perusal of record and fact that other co-accused persons have already been granted bail by co-ordinate Bench of this Court, without making any comment on the merits of the case there appears ground to grant anticipatory bail in favour of the applicant during the pendency of trial.

Let the applicant ***Nayab Khan alias Nimma*** be released on anticipatory bail on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i) The applicant shall appear before the learned court everyday when case is fixed except exempted;
- (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 from disclosing such facts to the Court or to any police office;
- (iii) The applicant shall not leave India without the previous permission of the Court and if he has passport, the same shall be deposited by him before the S.S.P./S.P. concerned.

In default of any of the conditions, this order will automatically stand vacated.

March 18, 2026
Anurag Singh

(Subhash Chandra Sharma,J.)