



2026:AHC:57790

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2022 of 2026**

Sarfaraz Ahmad And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

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

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Mr. N.I. Zafri, learned Senior Advocate assisted by Mr. S.I. Zafri and Mr. Akshansh, learned counsel for the applicants, Mr. B.P. Maurya, 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. 240 of 2025, under Sections 420, 120B IPC, Police Station Mubarakhpur, District Azamgarh, with the prayer that in the event of arrest, applicants may be released on bail.

3. It has been argued by the learned counsel for the applicants that applicants are innocent and they have been falsely implicated in this case. It is further submitted that the co-accused Maulana Shamshul Huda Khan has been granted interim protection from arrest by Division Bench of this Court vide order dated 21.08.2025 passed in CrI. Misc. Writ Petition No.-15491 of 2025. It is further submitted that the applicants are Manager, retired Principal and Clerk of the college. It is also submitted that as per the allegation in the FIR that co-accused Shamshul Huda Khan was paid salary to the tune of Rs.16,59,555/- without being present in the college. It was also submitted that applicants undertake 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, applicants are granted anticipatory bail, they 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. Co-accused Mohd. Nizamuddin Rizvi has already been granted anticipatory bail by this Court vide order dated 17.02.2026 passed in Crl. Misc. Anticipatory Bail Application U/S 482 BNSS No.-1563 of 2026. Shamsul Huda Khan is said to have been received Rs.16,59,555/- without being present on duty and he has been granted interim protection from arrest by Division Bench of this Court vide order dated 21.08.2025 passed in Crl. Misc. Writ Petition No.-15491 of 2025. The applicants are retired Principal, Manager and Clerk of the college.

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 applicants- **Sarfaraz Ahmad, Mohammad Ahmad Miswahi** and **Mehboob Alam** involved in the aforesaid case crime shall be released on anticipatory bail on 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 applicants shall not tamper with evidence and that they would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) The applicants 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 applicants would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicants 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 applicants.

(Jitendra Kumar Sinha,J.)

March 18, 2026

Virendra