



2026:AHC:58928

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2367 of 2026

Gyanendra Yadav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Subhash Chandra Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Mr. Subhash Chandra Yadav, learned counsel for the applicant, Mr. Umashankar Mishra, 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. 120 of 2020 added section 354 (Kha) I.P.C. and Sections 7/8 of POCSO Act, Police Station- Shahganj, District- Jaunpur, pending in the court of ASJ/POCSO -II Jaunpur, with the prayer that in the event of arrest, applicant may be released on bail.

3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. It is further submitted that the applicant has already been granted bail in the present case for offences under Sections 147, 323, 506, 352, 427 IPC and there is a cross case to the present case and the genesis of the present case is a land dispute between the applicant and the first informant. It is further submitted that after submission of charge-sheet, the police conducted further investigation and submitted a supplementary charge-sheet for the offences under Section 354-B IPC and Sections 7/8 of POCSO Act. 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 and submitted that the applicant has already filed a discharge application before the learned trial court. He further submits that notice has been served on the first informant.

5. It is apparent that the applicant has already been granted regular bail by the court concerned in the present case for the offences under Sections 147, 323, 506, 352, 427 IPC and the police conducted further investigation and submitted a supplementary charge-sheet for the offences under Section 354-B IPC and Sections 7/8 of POCSO Act.

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- **Gyanendra Yadav** 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 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 19, 2026

Rama Kant