



2026:AHC:66824

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 737 of 2026**

Naushad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohammad Faisal Khan
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. This Court on 28.1.2026 passed the following order:-

"1. Heard Shri Mohammad Faisal Khan, learned counsel for the applicant, Shri 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.159 of 2024, under Sections 147, 148, 149, 323, 325, 308 of I.P.C., Police Station Budhana, District Muzaffar Nagar, with the prayer that in the event of arrest, applicant may be released on bail.

3. It is contended by learned counsel for the applicant that no specific role has been assigned to the applicant. It is further submitted that there is a cross case to the present case. It is further submitted that as per first information report, 9 named and 5 unknown persons are said to have assaulted the first informant side, as a result of which, two persons are said to have received grievous injuries on the first informant side but none of their injuries are dangerous to life. It is also submitted that the applicant is having no criminal history. 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. submits that he has not received instructions as yet.

5. 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.

6. In the event of arrest of the applicant- Naushad involved in the aforesaid case crime shall be released on interim anticipatory bail till 25.02.2026 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 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.

7. 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.

8. List this case on 25.02.2026 as fresh.

9. Learned AGA is directed to obtain instructions in the matter by the next date."

2. Today, when the case has been called on, the Learned A.G.A. states that he has received the instructions in the matter.

3. The Learned counsel for the applicant submits that similarly situated co-accused Tahir, Anis and Saddam have been granted anticipatory bail in **CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 1218 of 2026 (Tahir and 3 Others Vs. State of U.P.)**. He contends that case of the applicant is on a similar footing to that of the co-accused, who have already been enlarged on anticipatory bail by this Court. The Learned counsel for the applicant has reiterated the submissions raised before this Court as recorded in the order dated 28.1.2026.

4. The Learned A.G.A., on the other hand, has opposed the prayer for grant of anticipatory bail. He, however, could not dispute the fact that the similarly situated co-accused have already been granted anticipatory bail by this Court.

5. I have considered the submissions made by the Learned counsels for the parties and perused the material brought on the record.

6. The present case is a case, which has been lodged against nine named accused persons and five unknown persons. Similarly situated co-accused Tahir, Anis and Saddam have been granted anticipatory bail by this Court. The injuries on the informant side have not been found to be dangerous to life.

7. Taking into account all the facts and circumstances of the

case, especially the fact that the similarly situated co-accused have already been granted anticipatory bail by this Court, I deem it fit to confirm the interim anticipatory bail granted in favour of the applicant.

8. The application stands allowed.

9. In the event of the arrest of the applicant- Naushad, he shall be released forthwith in the aforesaid case crime on anticipatory bail on the same terms and conditions as mentioned in the order dated 28.01.2026.

March 30, 2026

Sachin

(Rajiv Lochan Shukla,J.)