



2026:AHC:59389

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 2174 of 2026**

Rajbiri

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Pathak, Chandra
Pratap Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. This Court on 27.2.2026 passed the following order:-

*"1. Learned counsel for the applicants; and learned A.G.A.
for the State are present.*

*2. Learned counsel for the applicant states that although the
applicant was named in the First Information Report, she
was exonerated during the course of investigation. She has
subsequently been summoned in exercise of powers under
Section 319 Cr.P.C. It is further submitted that the applicant
has a criminal history of only one case, in which she has
already been acquitted.*

*3. The learned A.G.A. states that he has not received
instructions in the matter and is, therefore, unable to rebut
the submissions made by the learned counsel for the
applicant.*

*4. In view of the submission made by the learned A.G.A., put
up as fresh on 23.03.2026.*

*5. In the meantime, learned A.G.A. may seek instructions in
the matter.*

6. Till 23.03.2026, in the event of the arrest of the applicant- Rajbiri, involved in Cae Crime No.163 of 2020, under Section 302, 504, 34 IPC, P.S. Khekra, District Baghpat, she shall be released on interim anticipatory bail on her 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. that 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. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness;

7. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the interim anticipatory bail granted to the applicant."

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

3. The Learned counsel for the applicant has reiterated the submissions made before this Court as recorded in the order dated 27.2.2026.

4. The Learned A.G.A., on the other hand, has opposed the prayer for grant of anticipatory bail and has contended that the applicant has been named by the eye-witnesses in their statements on oath before the Court and she has rightly been

summoned. The summoning order has been challenged before this Court and this Court was pleased to dismiss the criminal revision preferred by the applicant being **Criminal Revision No.667 of 2025 (Rajbiri Vs. State of U.P. and Another)** vide its order dated 09.12.2025, against which the applicant went up to the Supreme Court and the Supreme Court in **Special Leave to Appeal (Crl.) No.1238 of 2026 (Rajbiri Vs. State of U.P. and Another)** vide its order dated 27.1.2026 was pleased to dismiss the Special Leave to Appeal. He contends that in view of the dismissal of the SLP by the Supreme Court, this application for anticipatory bail may also be dismissed. The Learned A.G.A. has pointed out that the applicant has a criminal history of one other case.

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

6. The Learned A.G.A., during the course of the arguments, has pointed out that non-bailable warrants and the proceedings under Section 82 Cr.P.C. have been initiated against the applicant.

7. Replying to the said submission of the Learned A.G.A., the Learned counsel for the applicant has stated that non-bailable warrants against the applicant were kept in abeyance by the order dated 12.8.2025 passed by the Learned trial Court. In the meantime, the applicant had been pursuing her remedies against the summoning order by filing a criminal revision before this Court being **Criminal Revision No.667 of 2025 (Rajbiri Vs. State of U.P. and Another)** and finally after the dismissal of the **Special Leave to Appeal (Crl.) No.1238 of 2026 (Rajbiri Vs. State of U.P. and Another)** by the Supreme Court vide its order dated 27.1.2026, the applicant has filed her anticipatory bail. The anticipatory bail of the applicant was rejected by the Learned Sessions Judge vide its order dated 06.02.2026.

8. In the opinion of the Court, the applicant is not an absconder and the non-bailable warrants and the declaration under Section 82 Cr.P.C. against the applicant had been issued during the pendency of her criminal revision before this Court. The Supreme Court in ***Asha Dubey vs. State of Madhya Pradesh 2024 SCC OnLine 5633*** in paragraph 8 has noted and opined as thus:

"Coming to the consideration of anticipatory bail, in the event of the declaration under Section 82 of the Cr.P.C., it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail".

9. The applicant has been named in the First Information Report. However, she was exonerated during investigation. The incident is of 16.05.2020 and the applicant was not arrested for almost six years. The applicant is also not stated to have threatened the witnesses or in any other manner interfered with the investigation. The applicant had been granted interim anticipatory bail by this Court vide its order dated 27.2.2026 and is not reported to have violated the same. The applicant has a criminal history of one previous case, in which the applicant has been acquitted by the concerned Court.

10. Taking into account all the facts and circumstances of the case, also the fact that the co-accused Kirsan has been granted regular bail by this Court vide its order dated 21.1.2021 passed in **Criminal Misc. Bail Application No. - 43883 of 2020 (Kirsan Vs. State of U.P.)** and the fact that the applicant is a lady, I deem it fit to enlarge the applicant on anticipatory bail.

11. In view of the above, the anticipatory bail application of the applicant is **allowed**.

12. In the event of the arrest of the **applicant- Rajbiri**, she shall be released forthwith in the aforesaid case crime on anticipatory bail on 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 herself available for interrogation by a police officer as and when required;
- ii. that 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 her from disclosing such facts to the Court or to any police officer;
- iii. that the applicant shall not leave India without the previous permission of the Court;
- iv. that the applicant shall not pressurize/intimidate the prosecution witness;

13. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

14. 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.

March 23, 2026
Sachin

(Rajiv Lochan Shukla,J.)