



2026:AHC:58227

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2223 of 2026

Krishna Pal And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Atul Kumar Kushwaha
Counsel for Opposite Party(s)	:	Atul Kumar, G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.212 of 2024, under Section 76, 115(2), 131, 324(4), 333, 351(2), 352, 117(2) BNS, Police Station- Kakrauli, District Muzaffar Nagar, with a prayer to enlarge him on anticipatory bail, during the pendency of trial.

2. After some arguments, Learned counsel for the applicants prays that he may be permitted to withdraw the present application for the applicant Nos.1 and 3 and he may be granted liberty to move the appropriate application for seeking regular bail before the appropriate Court.

3. In view of the statement so made, this application is ***dismissed for the applicant Nos.1 and 3*** with the above-mentioned liberty.

4. Heard Sri Atul Kumar Kushwaha, learned counsel for the applicant no.2 and Sri Atul Kumar, learned counsel for the informant and Shri Amit Dubey, learned A.G.A. for the State as well as perused the record.

5. Learned counsel for the applicant states that the applicant has been falsely implicated in the present case. He contends that the applicant has not been assigned any specific role in the incident. The statement of the injured Smt. Saroj Devi has assigned the specific role of causing injury by a stick to the co-accused Arpan, which has led to a fracture of the hand, however, the accused Arpan has been taken out of the investigation. He further submits that in the CCTV footage that has been collected during

investigation, only the co-accused Krishnapal and Abhishek are seen assaulting the other injured Illam Singh. The applicant has no criminal antecedents.

6. Shri Atul Kumar, Learned counsel for the informant, on the other hand, contends that the applicant is named in the FIR. The injured, who are four in number, in their statements have specifically mentioned the name of the applicant. In the statement under Section 183 BNSS of the victim, Smt. Saroj Devi, the applicant has been assigned the active role of participating in the crime. Although the applicant may not have criminal antecedents however his act is heinous and he may not be granted any indulgence.

7. Learned AGA has adopted the submissions made by the Learned counsel for the informant.

8. I have heard Learned counsels for the parties.

9. The applicant is named in the FIR, however, the role of causing grievous hurt, which has led to a fracture of the hand, has been specifically assigned to the co-accused Arpan, who is named in the FIR. The co-accused Arpan has been taken out of the investigation by the police, which is apparent from a perusal of the chargesheet. The applicant was not arrested during the investigation. The CCTV footage collected during the investigation with respect to one part of the incident also shows only the co-accused Abhishek and Krishnapal and does not show involvement of the applicant. The applicant has no criminal antecedents.

10. Taking into consideration these facts and circumstances, I deem it appropriate to grant anticipatory bail to the applicant no.2.

11. In view of the above, the anticipatory bail application of the applicant No.2 is ***allowed***.

12. In the event of the arrest of the applicant No.2-**Sahendra Pal**, he 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 No.2 shall make himself available for interrogation by a police officer as and when required;
- ii. that the applicant No.2 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 No.2 shall not leave India without the previous permission of the Court;
- iv. that the applicant No.2 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.

(Rajiv Lochan Shukla,J.)

March 20, 2026

A. Pandey