



2026:AHC-LKO:22175

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

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

Sanjay Singh

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Home Civil Sectt.
Lko. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dhananjai Kumar Tripathi, Kajol
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present anticipatory bail application under Section 438 Cr.P.C./ 482 BNSS has been filed by the accused-applicant who is apprehending his arrest in connection with case crime no. 25/2025, under Section 137(2), 127(2), 87, 64, 61(1) BNS and U/S 3/4 POCSO Act, Police Station Ramgaon, District Bahraich.
3. Learned AGA on the basis of instructions has submitted that the notice has been served upon the respondent no. 2 and has provided copy of the same which is taken on record but no one has put in appearance on behalf of the informant.
4. In the FIR, it has been alleged that the minor daughter of the informant, aged about 17 years, was enticed away by co-accused Amar Singh on 17.01.2025 at around 5.00 a.m.
5. Learned counsel for the applicant has submitted that the applicant is neither named in the FIR nor his name was taken by the victim while giving her statement under Section 180 BNSS. Subsequently, in her statement under Section 183 BNSS, the victim improvised her case and for the first time, named the applicant along with other two co-accused persons namely Anita Singh and Rina Singh.
6. It is further submitted that the co-accused namely Anita Singh had approached this Court by filing Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No. 1194 of 2025 (Anita Singh vs. State of U.P. Thru Prin. Secy. Home U.P., Lko. and 3 Others) in which a co-ordinate Bench of this Court has allowed the Anticipatory Bail Application by its order dated 09.09.2025.

7. It is further submitted that the other co-accused namely Rina Singh had also approached this Court by filing Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No. 517 of 2026 (Rina Singh vs. State of U.P. Thru. Prin. Secy. Deptt. of Home Lko and 3 Others) and she has been given parity of the anticipatory bail order passed in the case of Anita Singh (co-accused).

8. It is further submitted that the role assigned to the other co-accused persons namely Anita Singh and Rina Singh are the same as it has been assigned to the present applicant, hence he is entitled for parity of the orders passed by this Court granting anticipatory bail to the co-accused namely Anita Singh and Rina Singh.

9. It is further submitted that the applicant is the brother in law (jija) of the named accused person who has also been granted bail by this Court. The anticipatory bail granted to Anita Singh, the benefit of which has been granted to Rina Singh is quoted hereinbelow:-

"1. Case Crime No. 25/2025, Under Section- 137(2), 127(2), 87,64,61 (1) BNS & Section 3/4 POCSO Act, P. S. - Ramgaon, District - Bahraich

Heard learned counsel for the applicant as well as learned AGA for the State.

2. Notice to the complainant is served in view of the proposed order.

3. In the FIR, it has been alleged that the minor daughter of the informant, aged about 17 years, was enticed away by co-accused Amar Singh on 17.01.2025 at around 5:00 a.m.

4. Learned counsel for the applicant submits that in her statement under Section 180 BNSS, the victim did not mention the name of the present applicant, who happens to be the real sister of co-accused Amar Singh. It is argued that only in her subsequent statement under Section 183 BNSS, the victim made improvements and, for the first time, named the applicant. No specific allegation of rape, or of assisting the co-accused in committing rape, has been levelled against the applicant. The allegations attributed to her are general in nature, relating only to beating and confinement.

5. It is further contended that while the victim initially alleged in her Section 180 BNSS statement that the incident took place at Huzurpur, she later changed the place of occurrence to Malhipur in her Section 183 BNSS statement. Moreover, in her statement before the doctor, the victim did not name the applicant. Despite this, a final report was filed against her, on which cognizance was taken and summons were issued by the learned Special Court under Sections 137(2), 127(2), 87, 64, and 61(1) BNS.

6. It is further submitted that by no stretch of imagination offence under section 64 BNS is made out. The applicant is a married lady and has no criminal history. It is a case of false implication.

7. On the other hand, learned AGA has opposed the bail application, submitting that the allegations of beating and confinement find mention in the prosecution case as well as in the victim's statements under Sections 180 and 183 BNSS.

8. Having considered the facts of the case, including that the applicant has been summoned only after cognizance was taken on the final report filed against her by the Investigating Officer, and finding that prima facie no offence under Section 87 read with Section 64 BNS is made out, this Court is of the considered view that the applicant is entitled to anticipatory bail in view of the law laid down by the Hon^{ble} Supreme Court in *Sushila Aggarwal and others v. State (NCT of Delhi) and another*, (2020) 5 SCC 1, subject to her cooperation in the trial.

9. In view of the above, the accused-applicant is directed to surrender before the trial court within a period of twenty days from today. Upon his surrender, the trial court shall release him on anticipatory bail, subject to his furnishing a personal bond and two sureties each of the same amount, to the satisfaction of the trial court, with the following conditions:-

(i) The applicant shall refrain from directly or indirectly inducing, threatening, or promising any person familiar with the facts of the case in a manner that may dissuade them from revealing such facts before the Court or result in tampering with the evidence;

(ii) The applicant shall not travel outside India without prior permission from the Court;

(iii) The applicant shall not attempt to influence or intimidate any prosecution witness;

(iv) The applicant shall remain present before the trial court on all scheduled dates unless specifically exempted from personal appearance;

(v) In the event of any violation of the aforementioned conditions, the trial court shall be at liberty to cancel the bail granted to the applicant;

Any other reasonable restrictions/conditions which the trial court may deem fit and proper can be imposed.

10. It is made clear that the observations made in granting bail to the applicant shall not in any way affect the trial Judge in forming his independent opinion based on the testimony of the witnesses.

11. In view of the aforesaid, the application is allowed."

10. Learned AGA opposed the present anticipatory bail application but he is unable to dispute the submissions raised by learned counsel for the applicant and the parity prayed by the learned counsel for the applicant.

11. Having considered the aforesaid facts and circumstances of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

12. Upon due consideration of the aforesaid, the present anticipatory bail application is hereby **allowed** while extending anticipatory bail to the

applicant- Sanjay Singh till disposal of the trial by appearing before the court concerned and should furnish bail bonds and sureties to the satisfaction of the trial/concerned Court, subject to the following conditions:-

(i) that the applicant shall make himself available for interrogation by a police officer as and when required and shall not abscond;

(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/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(iii) that the applicant shall not leave India without the previous permission of the court;

(iv) that the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted; and

(v) that the applicant shall not pressurize/intimidate the prosecution witness.

13. In case of default, it would be open for the Investigating Agency to move application for vacation of this order.

March 30, 2026
Nitesh

(Manish Kumar,J.)