



2026:AHC-LKO:20739

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 771 of 2026

Sanjeev Srivastava

.....Applicant(s)

Versus

State Of U.P. Thru. Its Prin. Secy. Home Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Sunil Kumar Mishra, Atul Kumar
Chauhan, Kedar Yati, Shruti Verma
Counsel for Opposite Party(s) : G.A.

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

Supplementary affidavit filed on behalf of the applicant today is taken on record.

Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

The instant application under Section 528 BNSS has been filed with the following prayers:-

"i. Set aside the impugned Charge Sheet bearing No. 01 dated 09-06-2025 passed by The Learned Court Of Additional District And Session Judge /Special Judge E.C. Act Barabanki in Session Case No. 6835 of 2025, State Of U.P. Vs. Amarjeet and Others in Case Crime No. 60 Of 2025 Under Section 66E Indian Technology (Amendment) Act Police Station- Lonikatra, District- Barabanki which is pending before The Learned Court Of Additional District And Session Judge/Special Judge E.C. Act Barabanki contained in Annexure No. 1 to this application.

ii. Set aside the cognizance and summoning order dated 23-09-2025 passed by The Learned Court Of Additional District And Session Judge/Special Judge E.C. Act Barabanki, (State Of U.P. Vs. Amarjeet and Others) in Case Crime No. 60 Of 2025 Under Section 66E Indian Technology (Amendment) Act Police Station- Lonikatra, District- Barabanki contained in Annexure No. 2 to this application.

iii. Set aside the entire proceeding of Session Case No. 6835 of 2025, (State Of U.P.

Vs. Amarjeet and Others) in Case Crime No. 60 Of 2025 Under Section 66E Indian Technology (Amendment) Act Police Station- Lonikatra, District- Barabanki which is pending before The Learned Court Of Additional District And Session Judge/Special Judge E.C. Act Barabanki."

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The applicant has not committed alleged offence. He submits that the applicant not filed application for bail yet.

On the other hand, learned AGA has submitted that prima facie, the offence is made out against the applicant. It is further submitted that these are disputed questions of fact, which can be adjudicated only after adducing the evidence. He further controverts the submissions of learned counsel for the applicant on the ground that this is not a stage where minute and meticulous exercise with regard to the appreciation of evidence may be done and truthfulness of the allegations could only be tested in a criminal trial and, therefore, the application is misconceived and liable to be dismissed.

At this stage, learned counsel for the applicant submits that he does not want to press the application and seeks liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51**.

Learned A.G.A. has no objection to the prayer made by learned counsel for the applicant.

On due consideration to the submissions of learned counsel for the parties, it is provided that in case, the applicant appears before the trial court within two weeks from today and files bail application, the same shall be decided expeditiously in view of law laid down in the case of Satender Kumar Antil versus Central Bureau of Investigation and another (**supra**).

Further, the applicant will have an opportunity at the appropriate stage to move an application for discharge taking therein all the pleas factual and legal which may be available to him, in accordance with law. In case, such an application is moved before the trial court, the trial court shall dispose of

the same by a speaking and reasoned order strictly, in accordance with law.

The application is **disposed off** accordingly.

(Shree Prakash Singh,J.)

March 23, 2026

Ram Murti