



2026:AHC-LKO:19401

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 197 of 2024**

Rajendra Kumar @ Rajendra Yadav And Another

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko

.....Opposite
Party(s)

Counsel for Applicant(s) : Yaduvansh Mani Singh Yadav, Saroj
Yadav

Counsel for Opposite Party(s) : G.A.

Court No. - 23

HON'BLE RAJEEV BHARTI, J.

Heard Ms. Sapna Yadav, Advocate holding brief of learned counsel for the applicants and learned A.G.A. for the State.

The present application under Section 438CrPC/482 BNSS has been filed seeking anticipatory bail of the applicants - ***Rajendra Kumar @ Rajendra Yadav and Pramod Yadav*** in Case Crime No.316/2024, under sections 191(2), 193(3), 190, 115(2), 109, 61(2) BNS & Section 7 of the Criminal Law Amendment Act, Police Station Gangaghat, District Unnao.

The Co-ordinate Bench of this Court vide order dated 5.12.2024 has passed the following order granting interim anticipatory bail to the applicant:-

"1.The present anticipatory bail application under Section 438 Cr.P.C. has been filed seeking anticipatory bail in case crime No.316 of 2024 under sections 191(2), 193(3), 190, 115(2), 109, 61(2) BNS, 7 CrI. Law (Amendment) Act, P.S. Gagaghat, district Unnao.

2. Heard learned counsel for the applicant, learned Additional Government Advocate for the State and perused the record.

3. Learned counsel for the applicant submits that it is alleged that the police was informed that two parties armed with lathi danda and bricks and some are having illicit weapons, relating to possession of plot, are fighting with each other. After taking additional force, the police has apprehended Shobhit Yadav and Monu. Some

of the assailants have run away. One person Sonu was injured. He submits that the identically situated co-accused namely, Surendra Nishad has already been granted interim anticipatory bail.

Learned counsel for the applicant submits that the applicant was not on the place of occurrence. He has been falsely implicated as no motive is assigned.

4. Learned Addl. Government Advocate and complainant's counsel have opposed the prayer made by applicant's counsel and submitted that the deponent Sonu was not present at the place of the incident on 9.7.2024. The investigating officer has wrongly implicated few persons, including the present applicant, in the first information report. The first information report has been lodged by the police. The deponent is the injured in this case. He has sustained three injuries and out of three, two are fire arm injuries caused by co-accused Monu.

5. Considering the above aspects of the matter, perusal of the record, submission advanced by the learned counsel for the complainant who is also an injured witness, the applicant has no criminal history, the applicant undertakes to cooperate in the investigation and judgment in Sushila Aggarwal and others versus State (NCT of Delhi) and another (2020)5 SCC 1 and without entering into the merit of the case, it would be appropriate to grant interim protection to the applicant under Section 438 Cr.P.C.

6. List this matter in second week of January, 2025. In the meantime, learned A.G.A. may file counter affidavit.

7. It is provided that in the event of arrest, the applicant shall be released on anticipatory bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the investigating officer/SHO concerned. The applicant shall cooperate in the investigation and he will not influence the witnesses. The applicant shall not leave India without previous permission of the Court.

8. In case of default, it would be open for the prosecution to move application for vacation of this order."

Learned counsel for the applicants submits that the applicants have been released on interim anticipatory bail after filing of the personal bonds and two sureties in compliance of the aforesaid order. They have duly cooperated in the investigation. Learned counsel for the applicants has also made statement that in the present case, charge-sheet has been filed. The applicants have not misused the liberty of interim anticipatory bail granted by the Court. They undertake to cooperate in the trial and in case, they are enlarged on anticipatory bail, they shall not misuse the liberty of

same.

Learned A.G.A. opposed the prayer for anticipatory bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicants.

Without expressing any opinion on the merits of the case and considering the nature of accusation; the chargesheet has been submitted; the applicants have not misused the liberty of interim anticipatory bail granted by the Court coupled with the undertaking given by the applicants that they will cooperate in the trial, the interim anticipatory bail granted by the coordinate bench of this Court vide order dated 5.12.2024 is made absolute in view of dictum of Apex Court in re: ***Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98.***

It is made clear that in case of breach of any of the conditions mentioned in the aforesaid order dated 5.12.2024, the court below shall have the liberty to cancel the bail.

In view of the aforesaid, the anticipatory bail application is **allowed**.

(Rajeev Bharti,J.)

March 17, 2026

Shukla