



2026:AHC:54823

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 1952 of 2026**

Mustakim And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ram Raj Pandey, Shubham Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Ram Raj Pandey along with Shri Shubham Pandey, learned counsel for the applicants, Shri O.P. Singh, learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in Case Crime no.60 of 2026, under Sections 110, 115(2), 352, 351(2) of B.N.S., Police Station Sikandrabad, District Bulandshahr, with the prayer that in the event of arrest, applicants may be released on bail.
3. It has been argued by the learned counsel for the applicants that applicants are innocent and they have been falsely implicated in this case. It is further submitted that no specific role has been assigned to any of the applicant. It is further submitted that four accused persons, including the applicants are said to have assaulted the first informant side, as a result of which, three persons of the first informant side are said to have received injuries and one of the injured has received injuries on his head, which has not been found to be grievous in nature or dangerous to life. It is further submitted that two co-accused persons, namely, Chhotu alias Shakir and Mammu alias Saad have already been granted regular bail by the learned Sessions court. It is also submitted that the applicants are having no criminal history. It was also submitted that applicants undertake to co-operate during trial and they would appear as and when required by the investigating agency or Court. It has been stated that in case, applicants are granted anticipatory bail, they shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

4. On the other hand, learned AGA has also opposed the application for anticipatory bail.

5. No specific role has been assigned to any of the applicant and as per first information report, four accused persons, including the applicants are said to have assaulted the first informant side, as a result of which, three persons of the first informant side are said to have received injuries and one of the injured has received injuries on his head, which has not been found to be grievous in nature or dangerous to life. Co-accused Chhotu alias Shakir and Mammu alias Saad have already been granted regular bail by the learned Sessions court. It is also submitted that the applicants are having no criminal history.

6. It may be stated that in case of **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

7. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, role of applicants and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

8. The anticipatory bail application is allowed.

9. In the event of arrest of the applicants - **Mustakim and Samir** involved in the aforesaid case crime shall be released on anticipatory bail on their furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

(i) The applicants shall not tamper with evidence and that they would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) The applicants 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/them from disclosing such facts to the Court or to any

police officer;

(iii) The applicants would co-operate during trial and would not misuse the liberty of bail.

(iv) The applicants shall not leave India without prior permission of the Court concerned.

10. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

March 18, 2026
RKM

(Jitendra Kumar Sinha,J.)