



2026:AHC:62409

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1960 of 2026

Veerendra Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Azad Khan, Mohammad Imran Khan,
Sunil Verma

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

Court No. - 72

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.199 of 2017, under Sections 302/34, 452 I.P.C., Police Station- Rath, District- Hamirpur, with a prayer to enlarge him on anticipatory bail.

2. This Court on 25.02.2026 passed the following order:-

"1. Heard Sri Azad Khan, Learned counsel for the applicant, Learned A.G.A. for the State and perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.199 of 2017, under Sections 302/34, 452 I.P.C., Police Station- Rath, District- Hamirpur, with a prayer to enlarge him on anticipatory bail.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He states the applicant was not named in the First Information Report. After investigation, the applicant was not charge-sheeted. During trial when the alleged dying declaration of the deceased was exhibited in the Court, it was thereafter that the applicant was summoned by invoking powers under Section 319 Cr.P.C. He submits that the applicant is having no criminal history and if enlarged on bail, will participate in the trial and will not seek unnecessary adjournments. He further submits that the revision preferred by the applicant being Criminal Revision No.5130 of 2024 (Virendra

Vs. State of U.P. and 2 Others) against the summons under Section 319 Cr.P.C., is still pending before this Court.

4. The Learned A.G.A., on the other hand, submits that he has not received instructions in the matter.

5. In view of the submissions made by the Learned counsel for the applicant, prima-facie, a case for interim relief is made out.

6. Put up as fresh on 25.03.2026.

7. Till the next date of listing, in the event of the arrest of the applicant- Virendra, he shall be released forthwith in the aforesaid case crime on interim 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 shall make himself available for interrogation by a police officer as and when required;

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 from disclosing such facts to the Court or to any police officer;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness.

8. In the meantime, the Learned A.G.A. may seek instructions in the matter. "

3. Today when the case has been called on, Learned AGA states that he has received instructions.

4. Heard Learned counsel for the applicant and Learned AGA for the State.

5. Shri Azad Khan, Learned counsel for the applicant, has reiterated the submissions made before this Court as recorded in the order dated 25.02.2026.

6. Learned AGA, on the other hand, contends that the applicant was

specifically named in the dying declaration recorded by the Magistrate and he has rightly been summoned to face trial. Specific role has been assigned to the applicant and, therefore, no indulgence may be granted to him. He, however, could not point out any criminal antecedents of the applicant.

7. Rejoining the issue, Learned counsel for the applicant states that the applicant was not named in the statement under Section 161 Cr.P.C. of the victim recorded during investigation. The dying declaration, which is said to have been recorded, was exhibited as Exhibit Ka-14 during trial and it is only thereafter that the applicant has been summoned by exercising powers under Section 319 Cr.P.C. He contends that the application under Section 319 Cr.P.C. was moved after all the prosecution witnesses had been examined and quite belatedly, in the statement of PW-13, the dying declaration in question was exhibited in evidence. The applicant's name does not figure in the statement of the other prosecution witnesses recorded during trial.

8. I have considered the submissions made by the Learned counsel for the parties.

9. The applicant was not named in the FIR. He was also not named in the statement under Section 161 Cr.P.C. of the deceased and other witnesses recorded during investigation. The applicant has been summoned by invoking powers under Section 319 Cr.P.C. when the prosecution witnesses have been examined before the Trial Court. There is no charge against the applicant of tampering with the evidence or intimidating the witnesses and he does not have any criminal antecedent.

10. Taking into account all the above facts and circumstances, I deem it appropriate to confirm the interim anticipatory bail and grant anticipatory bail to the applicant till the conclusion of trial. The application is **allowed**.

11. In the event of arrest in the aforesaid case crime, the applicant- **Veerendra Kumar** shall be released on anticipatory bail on the same terms and conditions as mentioned in the order dated 25.02.2026.

March 25, 2026
A. Pandey

(Rajiv Lochan Shukla,J.)