



2026:AHC:54960

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1971 of 2026**

Rakesh Kumar Dixit

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Saurabh Kumar Pandey, Sunil Kumar Dwivedi

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

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Sunil Kumar Dwivedi, learned counsel for the applicant, Shri Jitendra Singh, learned counsel for the first informant Shri B.P. Maurya, 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.313 of 2025, under Sections 316(2), 352, 361(3) of B.N.S., Police Station Bardah, District Azamgarh, with the prayer that in the event of arrest, applicant may be released on bail.

3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. It is further submitted that the applicant was served a notice under Section 35(3) of BNSS and now the charge sheet in this case has already been submitted. It is further submitted that the applicants are ready and willing to cooperate in the trial. It is also submitted that the applicant is having no criminal history. It was also submitted that applicant undertakes to co-operate during trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, he 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 counsel for the first informant has opposed the application for anticipatory bail and it has been submitted by him that

the applicant has no apprehension of arrest and the application is not maintainable.

5. Learned AGA has also opposed the application for anticipatory bail.

6. As per first information report, some monetary transaction is said to have taken place between the applicant and the first informant and the applicant is said to have not returned the money received by him from the first informant. Applicant was served a notice under Section 35(3) of BNSS and now the charge sheet in this case has already been submitted and the applicants are ready and willing to cooperate in the trial. It is also submitted that the applicant is having no criminal history.

7. 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.

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

9. The anticipatory bail application is allowed.

10. In the event of arrest of the applicant- **Rakesh Kumar Dixit** involved in the aforesaid case crime shall be released on anticipatory bail on his 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 applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) 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/them from disclosing such facts to the Court or to any police officer;

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

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

11. 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 applicant.

(Jitendra Kumar Sinha,J.)

March 18, 2026
RKM