



2026:AHC:56296

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1985 of 2026

Shivpal And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Krishna Dutt Awasthi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Krishna Dutt Awasthi, learned counsel for the applicants, Sri Ashish Kr. Tripathi, 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. 267 of 2025, under Sections 115(2), 352, 351(2), 117(2), 110 BNS, P.S. Ajitmal District Auraiya with the prayer that in the event of arrest, the applicants may be released on bail.

3. It is contended by learned counsel for the applicants that the co-accused Santosh Kumar has already been granted anticipatory bail by this Court vide order dated 8.1.2026 passed in Anticipatory Bail Application No. 10761 of 2025. No specific role has been assigned to the applicant and none of the injuries, caused to the injured, are found dangerous to life. The applicants undertake to co-operate during trial and to appear as and when required by the investigating agency or Court and in case they are granted anticipatory bail, they shall not misuse the liberty of bail and would obey all conditions of bail.

4. On the other hand, learned A.G.A. opposed the prayer for grant of anticipatory bail.

5. I have considered the rival submissions made by learned counsel for the parties.

6. Initially the F.I.R. was lodged under Sections 115(2), 352, 351(2), 333

IPC, however, Section 110 BNS was added during investigation. No specific role has been assigned to any of the applicants. As per the F.I.R., the applicants along with two other co-accused persons are said to have assaulted the first informant side in which four persons of the first informant side are said to have received injuries which are not dangerous to life.

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, the Court must consider nature and gravity of accusation, antecedents of the accused, possibility of accused to flee from justice and that Court must evaluate the entire available material against the accused carefully and the exact role of accused has also to be taken into consideration.

8. Considering all attending facts and circumstances of the case, settled principle of law regarding anticipatory bail, submissions of learned counsel for the parties, nature of accusation, role of applicants and 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 applicants **Shivpal** and **Ashutosh** involved in the aforesaid case crime, they 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 applicants shall not tamper with evidence and shall appear before the trial Court either in person or through counsel on each and every date fixed unless exempted by the Court concerned and shall not seek any undue adjournment;

(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.

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 applicants.

(Jitendra Kumar Sinha,J.)

March 18, 2026

Vandana