



2026:AHC:125008

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**APPLICATION U/S 528 BNSS No. - 18531 of 2026**

Swatantra Mishra @ Monu And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Hridaya Narain Singh  
Counsel for Opposite Party(s): G.A., Jitendra Singh, Sunil Kumar Pandey

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**Court No. - 35**

**HON'BLE JAI KRISHNA UPADHYAY, J.**

1. Heard Sri H. N. Singh, learned counsel for the applicants, Sri S. K. Pandey, learned counsel for the informant as well as Sri Vishwa Dipak Mishra, learned AGA for the State and perused the record.

2. This application under Section 528 of BNSS has been filed with the prayer to quash the charge-sheet, summoning order dated 16.03.2026 as well as the entire proceedings in Criminal Case No.156 of 2026, arising out of Case Crime No. 0322 of 2025, under Sections 109 (1), 126 (2), 3 (5), 351 (3), 324 (4) B.N.S., Police Station Baksa, District Jaunpur, pending before the Judicial Magistrate-II, Court No. 18, District- Jaunpur and further to stay further proceedings of the aforesaid case.

3. It is submitted by the learned counsel of the applicants that impugned F.I.R. dated 04.08.2025 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the applicants. It is further submitted that statements of injured as well as eye witness were recorded under Section 180 BNSS and they have not assigned any specific role to the applicants. It is further submitted that injured has not received any injury on the vital part. It is further submitted that aforesaid case has been lodged to counter blast of the F.I.R. dated 30.07.2025 lodged by the applicant no.1 against the informant/opposite party no.2 and his brothers under Sections 291, 115 (2), 324 (4), 352, 351 (3) BNS. The police has also submitted charge sheet on the basis of insufficient evidence against

the applicants. Essential ingredients to constitute the alleged offences are lacking. The present prosecution has been instituted with a malafide intention. Learned counsel for the applicants pointed out certain documents and statements in support of his contention.

4. Learned AGA as well as learned counsel for the informant have opposed the prayer.

5. I have considered the submissions made by the learned counsel for the parties and have gone through the entire record carefully.

6. As is evident, all the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 528 of BNSS. At this stage only a prima facie case is to be seen in the light of the law laid down by Supreme Court in the cases of ***R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283 and lastly M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others, AIR 2021 SC 1918..*** From a perusal of the material available on record and keeping in view the facts of the case, at this stage it cannot be said that offences levelled against the applicant are not made out and the record shows that a cognizable offence is clearly made out against the applicants. Sufficient evidence has been collected against the applicants during the course of investigation. During investigation, the injured as well as eye witnesses have made specific allegations against the applicants. Hence, prayer made in the application is refused.

7. In the last, learned counsel for the applicants has urged that direction for expeditious disposal of the bail application of the applicants be given in the light of the decision of the Hon'ble Apex Court in ***Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022 SCC OnLine SC 825.***

8. Hence, it is observed that in case the applicants surrender before the Court concerned and apply for bail, their bail application shall be considered and decided by the Court concerned in terms of the law

laid down by the Hon'ble Apex Court in **Satender Kumar Antil case** (supra).

9. With the aforesaid observations, the application stands **disposed of**.

**June 3, 2026**  
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**(Jai Krishna Upadhyay,J.)**