



2026:AHC:127547

**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 4731 of 2026**

Rohit @ Prashant Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Lalita Sahu, Sonu Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 47

HON'BLE TARUN SAXENA, J.

1. Supplementary affidavit on behalf of the applicant filed today in Court, is taken on record.
2. Heard learned counsel for the applicant and learned AGA for the State.
3. The present anticipatory bail application has been filed by the applicant under Section 482 BNSS apprehending his arrest in Case Crime No.77 of 2026, under Sections 191(2), 126(2), 351(3), 110, 115(2), 352 of the B.N.S., Police Station- Banna Devi, District- Aligarh.
4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that only a general role has been assigned to all the accused persons. He next submits that the injured, Lalit has not sustained any grievous injuries on any vital part of the body. The grievous injuries, if any, is confined to a non-vital part that is to say ankle joint, where fracture of fibula bone has been found. He further submits that co-accused Saurabh has already been granted anticipatory bail in the said crime by the Sessions Court concerned. However, anticipatory bail application of the present applicant has been rejected by the trial court on account of his criminal history. The said criminal history has been duly explained in para 5 of the supplementary affidavit filed today. Since the role of the applicant is identical to that of co-accused person who has already been enlarged on bail, the applicant is also entitled for anticipatory bail.
5. Learned AGA, however, opposed the application for anticipatory bail but could not dispute the aforesaid facts.
6. The scope of ambit of anticipatory bail is encapsulated in three

insightful judgments of Hon'ble Supreme Court right from **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in (1980) 2 SCC 565, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra** reported in (2011) 1 SCC 694 and **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another** reported in (2020) 5 SCC 1, wherein it is consistently held by Hon'ble Apex Court that while granting anticipatory bail, the Court should consider the application of the applicant to evaluate the threat or apprehension of arrest vis-a-vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willingness of the accused to cooperate in investigation and trial and the conduct of the accused and flight risk.

7. This Court after considering all the facts and the gravity of accusation, and apprehension of arrest in the case vis-a-vis low flight risk and assurance given by the accused in cooperating with the investigation and trial, is of considered view that applicant has made out a case of anticipatory bail.

8. The applicant- **Rohit @ Prashant Kumar** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer, as the case may be within 30 days from the date of this order and shall be released on bail on furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the court concerned with following conditions :-

(i) 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 or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

June 16, 2026
Abhishek

(Tarun Saxena,J.)