



2026:AHC:129377

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18757 of 2026

Sagar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd. Shahibe Alam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Mohd. Shahibe Alam, learned counsel for the applicant as well as Sri Rajesh Kumar Shukla, learned AGA for the State.

2. This is an application under Section 483 BNSS 2023 filed on behalf of the applicant/accused Sagar for enlargement on bail in connection with Case Crime No. 263 of 2026 under Section 109(1) BNS and Section 3/25/27 Arms Act, Police Station Baghpat, District Baghpat.

3. Learned counsel for the applicant has submitted that an FIR stood lodged against the applicant and two co-accused, being FIR No. 0263 of 2026 on 29.04.2026 under Section 109(1) BNS 2023 read with Section 3/25/27 of the Arms Act, with an allegation that on 28.04.2026, on a tip received by the police officials, the police officials attempted to apprehend the applicants who were on a bike. Thereafter gun shot fire was made by the accused, including the applicant, at the police officials, though they did not sustain injuries but it was an attempt of murder. Submission is that the applicant has not committed the said offence and further it is a no injury case. It is also contended that the applicant has been implicated in Case Crime No. 262 of 2026 in which the applicant has been enlarged on bail in Criminal Misc. Bail Application No. 18575 of 2026 and further, on the basis of a confessional statement, the name of the applicant stood surfaced. Reliance is also being placed upon an order passed in Criminal Misc. Bail Application No. 19460 of 2026, *Aryan vs. State of UP*, wherein the co-accused has been enlarged on bail.

4. Countering the submissions so made by the learned counsel for the

applicant, learned AGA submits that though it is a case of no injury, but the offences under Section 109(1) of BNS are made out, and further the applicant fled from the spot in question, though he could not dispute the fact that co-accused has been enlarged on bail and the criminal history has been explained.

5. Considering the submissions of the learned counsel for the rival parties prima facie the applicant is entitled to be enlarged on bail as the criminal history of the applicant has been explained and he is languishing in jail since 29.04.2026.

6. Let applicant- **Sagar** be released on bail in Case Crime No. 263 of 2026 under Section 109(1) BNS and Section 3/25/27 Arms Act, Police Station Baghpat, District Baghpat on his furnishing a personal bond with two sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) 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 court. In case of default of this condition, it shall be open for the trial court to treat it as an abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of the BNS.

(iv) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the BNS.

(v) 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. If in the opinion of the trial court, absence of the applicant is deliberate or without sufficient cause,

then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(vi) The applicant shall be present before the concerned police station on the first Monday of each month.

7. It is further directed that the identity, status and residence proof of the sureties be verified by the authority concerned before they are accepted.

8. In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail. Any observations made in granting bail to the applicant shall not in any way affect the learned Trial Court Judge in forming his independent opinion based on the testimony of the witnesses.

9. Accordingly, the bail application is **allowed**.

June 29, 2026

N.S.Rathour

(Vikas Budhwar,J.)