



2025:AHC:175101

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 7999 of 2025

Rahat Ali And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd Nasir
Counsel for Opposite Party(s)	:	G.A., Rajiv Sisodia

Court No. - 69

HON'BLE VIVEK VARMA, J.

1. Supplementary affidavit filed by counsel for the applicants is taken on record.
2. Heard counsel for the applicants, Sri Neeraj Kumar Sharma, learned AGA for the State and perused the material on record.
3. This application has been filed seeking anticipatory bail in Case Crime No. 777 of 2015, under sections 147, 148, 149, 323, 307, 452, 504, 506 I.P.C., Police Station- Bhopa, District- Muzaffar Nagar.
4. Counsel for the applicants submits that the applicants have been falsely implicated in the present case. In the first information report, eleven persons including the applicants are nominated. As per the first information report, the applicants were armed with iron rods while other co-accused were armed with knife, sticks, guns and sword. In the alleged incident, Afroz received injuries. As per the medical report of Afroz, she sustained six injuries. The injury no. 2 was caused by firearm and rest of the injuries were simple in nature. Vague and general role has been assigned to the applicants. The role of firing has been assigned to co-accused Sajid. The case of the applicants is distinguishable from that of co-accused Sajid. It is next contended that the first information report was lodged in the year 2015. After investigation, final report was submitted in the year 2016. The informant filed a protest petition before the Additional Chief Judicial Magistrate-III, Muzaffar Nagar against the submission of final report by the Police authorities. Thereafter, further investigation was directed by the court concerned. Again, final report

was submitted in the year 2019. The informant again filed a protest petition. The said petition was treated as a complaint case and the applicants were summoned to face trial by the learned Magistrate. The applicants preferred a criminal revision before the Court of Session. The said revision was rejected by the Session Judge. Thereafter, the applicants had approached this court under Article 227 of the Constitution of India. This Court vide order dated 20.04.2023 passed in Matter Under Article 227 No. 1673 of 2023 (Furkan and 10 others vs. State of U.P. and Another) remanded the matter back to learned Magistrate to pass a fresh order. Consequent, thereto, the applicants had been summoned to face trial. It is next contended that identically placed co-accused Furkan and Alim Allam have been granted anticipatory bail by this Court vide orders dated 19.8.2025 and 18.9.2025 passed in Criminal Misc. Anticipatory Bail Application No. 6440 of 2025 and 7671 of 2025.. The applicants claim parity. Criminal history of the applicants has been explained in para nos.3 and 4 of the supplementary affidavit. The applicants have apprehension of their arrest in the above mentioned case. In case, the applicants are granted anticipatory bail, they will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for anticipatory bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having regard to the submissions made by learned counsel for the applicants, considering the nature of accusations, antecedents of the applicants and the fact that the role of firing has been assigned to co-accused Sajid; vague and general role has been assigned to the applicants, identically placed co-accused Furkan and Alim Allam have been granted anticipatory bail by this Court, at this stage, there is no substantive evidence against the applicants, the applicants had cooperated in the investigation and no custodial interrogation is required, without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on anticipatory bail.

7. In the event of arrest, the applicants **Rahat Ali** and **Nazakat**, involved in the aforesaid case crime be released on anticipatory bail during pendency of trial, on 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 make themselves available on each date fixed in the

matter by the court concerned;

(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 from disclosing such facts to the Court;

(iii) the applicants shall not leave India without the previous permission of the Court and if they have passports, the same shall be deposited by them before the concerned court.

8. In default of any of the conditions, the court concerned is at liberty to pass appropriate orders for enforcing and compelling the same.

9. The application stands disposed of.

September 26, 2025
Manish Kr

(Vivek Varma,J.)