



2025:AHC:173699

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 7923 of 2025**

Ankit Yadav And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Amarnath Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE VIVEK VARMA, J.

1. Sri Amit Kumar Yadav, Advocate has filed Vakalatnama on behalf of the opposite party no.2-informant. The same is taken on record.
2. Heard learned counsel for the applicants, Sri Amit Kumar Yadav, counsel for the opposite party no.2 and Sri Neeraj Kumar Sharma, learned AGA for the State and perused the material on record.
3. This application under Section 482 BNSS has been filed seeking anticipatory bail in Case Crime No. 33 of 2025, under Sections 191(2), 333, 117(2), 110 BNS, Police Station Chandauli, District Chandauli.
4. Counsel for the applicants contends that the applicants have been falsely implicated in the present case. Initially the first information report was lodged under Sections 351(2), 324(2), 352, 115(2) BNS. During the course of investigation, the applicants were granted bail by the Chief Judicial Magistrate, Chandauli vide order dated 19.02.2025. After investigation Section 110 BNS has been added by the Investigating Officer. It is contended that in the alleged incident three persons namely; Arvind Kumar Yadav, Prateek Yadav and Sunil Yadav received injuries. As per the medical reports as well as supplementary medical reports of Arvind Kumar Yadav and Prateek Yadav, the injuries received by them were simple in nature. Sunil Yadav received four injuries. The injuries no. 2, 3 and 4 were simple in nature, whereas injury no. 1 was hairline fracture of 3rd metacarpal bone of left hand. A vague and general role has been assigned to the applicants. It

is next contended that the nature of injuries shows that there was no intent to murder. At this stage there is no credible evidence to link the applicants with the offence. Investigation has been completed. Charge sheet has been submitted. The applicants had co-operated in the investigation. The applicants have been summoned by the concerned court. Counsel for applicants further contends that the maximum sentence provided for the alleged offences is upto seven years. He submits that in view of the judgment of Hon'ble Supreme Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2021) 10 SCC 773***, the applicants are entitled for anticipatory bail. Criminal history of the applicants have been explained in paragraph no. 25 of the 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. and the counsel for the opposite party no.2 have opposed the prayer for anticipatory bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. The Supreme Court in the case of ***Satender Kumar Antil (supra)*** has laid down the guidelines with regard to enlargement of an accused on bail. The guidelines provided category/type of offences. One of the categories being Category-A are offences punishable with imprisonment of seven years or less. The Supreme Court in paragraph-3 of the aforesaid judgment has laid down the guidelines that after the filing of the charge sheet/cognizance ordinarily the summons are required to be issued permitting the appearance of the accused through Lawyer and the bail applications of the accused persons on appearance are to be decided without the accused being taken into custody or by granting interim bail. A perusal of the aforesaid guidelines would demonstrate that the liberty of an individual has been recognized by the Hon'ble Supreme Court in the aforesaid judgment in term of Article 21 of the Constitution of India.

7. It is further to be noted that as per Section 41 of the Code of Criminal Procedure also during investigation the liberty of an individual is protected in respect of an offence where the maximum punishment provided is upto seven years.

8. It is not the case of the opposite party that applicants were arrested for the alleged offences during investigation and it is also not the case of the opposite party that the applicants had not co-operated in the investigation. Once no apprehension has been raised with regard to the conduct of the applicants and the applicants have been charge-sheeted and summoned in respect of offence in which punishment provided is upto seven years, then in view of the judgment of the Supreme Court in **Satender Kumar Antil (supra)**, the liberty of the individual is required to be protected.

9. It is not shown by learned AGA that the nature and gravity of allegations are such that the same would disentitle the applicants for relief of anticipatory bail. No material, facts, circumstances or concern has been shown by learned AGA for the State that the accused may tamper with the evidence or witnesses or accused is of such character that their mere presence at large would intimidate the witnesses or that accused will use their liberty to subvert justice or tamper with the evidence.

10. It is settled principle of law that the object of bail is to secure the attendance of the accused. No material particulars or circumstances suggestive of the applicants fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned AGA for the State.

11. Having regard to the submissions made, considering the nature of accusations, antecedents of the applicants, in particular the fact that in the alleged incident three persons namely; Arvind Kumar Yadav, Prateek Yadav and Sunil Yadav received injuries; as per the medical reports as well as supplementary medical reports of Arvind Kumar Yadav and Prateek Yadav, the injuries received by them were simple in nature; Sunil Yadav received four injuries; the injuries no. 2, 3 and 4 were simple in nature, whereas injury no. 1 was hairline fracture of 3rd metacarpal bone of left hand; a vague and general role has been assigned to the applicants; investigation has been completed, charge sheet has been submitted, the applicants had co-operated in the investigation, no custodial interrogation is required, and the fact that the offences against the applicants are punishable up to seven years and adhering to the guidelines provided in the judgment of the Supreme

Court in ***Satender Kumar Antil (supra)***, without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on anticipatory bail.

12. In the event of arrest, the applicants **Ankit Yadav, Kuldeep Yadav and Jaydeep Yadav** 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 passport the same shall be deposited by them before the concerned court.

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

14. The application stands disposed of.

(Vivek Varma,J.)

September 25, 2025

Lbm/-