2026:AHC:188598

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 37574 of 2026

Rakesh Kumar And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Ashutosh Kumar Gautam, Yogesh Kumar Srivastava

Counsel for Opposite Party(s) : G.A.

Court No. - 79

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicants and learned AGA appearing for the State.

2. This application has been filed for seeking quashing of chargesheet dated 21.06.2025 along with cognizance/summoning order dated 13.01.2026 passed in Case No.38 of 2026 (State Vs. Rakesh Kumar and another), arising out of Case Crime No.81 of 2025, under Sections 117(2), 115(2), 352, 351(2), 333 BNS, P.S. Holagarh, District Prayagraj, pending in the court of learned Judicial Magistrate-III, Allahabad.

3. On perusal of the narration of FIR as well as impugned order and chargesheet, this Court does not find it to be a case where interference of this Court is required. No such ground appears to be available in the present application, on the basis of which, impugned order along with chargesheet, can be set aside.

4. Accordingly, the prayer sought through the instant application, is refused.

5. Lastly, learned counsel for applicants has submitted that liberty may be granted to applicants to surrender before the court concerned and apply for bail to which learned AGA has no objection.

6. In view of the aforesaid, the instant application is finally **disposed of** with a direction to the court concerned that in case, the applicants surrender before the court concerned within a period of three weeks from

today and apply for bail, their bail application shall be considered and decided expeditiously in accordance with law laid down in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another (2022 SCC OnLine SC 825).**

7. However, it is made clear that till three weeks from today, no coercive action shall be taken against applicants herein in pursuance of aforesaid case.

(Saurabh Srivastava,J.)

September 9, 2026
Vivek Kr.

Digitally signed by :-
VIVEK KUMAR
High Court of Judicature at Allahabad