2026:AHC:209924

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 3126 of 2026

Juvenile Delinquent 1 And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Babhru Vahan Singh
Counsel for Opposite Party(s)	:	G.A., Sanjeev Kumar Singh

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri B.V. Singh, learned counsel for the applicants, Sri Sanjeev Kumar Singh, learned counsel for the informant, learned A.G.A. for the State and perused the record.

2. The applicants- Juvenile Delinquent-1 s/o Umashankar Yadav and Juvenile Delinquent-2 s/o Ram Sahai Yadav were granted interim anticipatory bail in the present case by this Court vide order dated 01.04.2026. The said order is quoted herein below:

> *"1. Learned counsel for the applicants, the Learned A.G.A. for the State and perused the record.*
>
> *2. The present anticipatory bail application has been filed on behalf of the applicants in Case Crime No.318 of 2021, under Sections 147, 302, 201, 34 of I.P.C., Police Station- Geeda, District- Gorakhpur, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the above-mentioned case.*
>
> *3. The Learned counsel for the applicants submits that the applicants are juvenile and have been falsely implicated in the present case. The applicants and the deceased, they had gone to bathe in a river, where unfortunately due to hitting his head on the rock, the deceased drown. The police has filed a final report twice and the Juvenile Justice Board after rejecting the said final report, summoned the applicants for enquiry under the Juvenile Justice Act. The applicants have been summoned for offences under Sections 147, 302, 201 & 34 I.P.C. and apprehend their arrest. In such circumstances, the applicants who claim that they have no criminal antecedents to their credit, may be granted anticipatory bail by*

this Court.

4. The Learned A.G.A., on the other hand, has opposed the prayer for grant of anticipatory bail and has submitted that without calling for the report of the District Probation Officer, anticipatory bail may not be granted, as it is a necessary requirement of law that the conditions mentioned in proviso to Section 12(1) of the Juvenile Justice Act must be satisfied before grant of bail, which necessarily requires the Court to determine that the juvenile being released on bail would not be exposed to any known criminal, moral, physical or psychological danger or otherwise his release may defeat the ends of justice. He contends that he may be granted some further time to obtain a report from the District Probation Officer and file the same by means of a counter affidavit.

5. I have considered the submissions made by the Learned counsels for the parties and perused the material brought on the record.

6. Taking into consideration the objections, so raised, by the Learned A.G.A., this Court deem it appropriate to call for a report from the District Prohibition Officer, which may be filed by the Learned A.G.A. by means of a counter affidavit by the next date.

7. Put up as fresh on 04.05.2026.

8. Till the next date of listing, in the event of the arrest of the Juvenile Delinquent-1 s/o Umashankar Yadav and Juvenile Delinquent-2 s/o Ram Sahai Yadav, they shall be released forthwith in the aforesaid case on interim anticipatory bail on furnishing a bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

i. the applicants shall make themselves available for interrogation by a police officer as and when required;

ii. that 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 them from disclosing such facts to the Court or to any police officer;

iii. that the applicants shall not leave India without the previous permission of the Court;

iv. that the applicants shall not pressurize/intimidate the prosecution witness.

9. In the meantime, let the necessary be done"

3. Earlier interim anticipatory bail was granted to the applicants vide order dated 01.04.2026 and in pursuance of aforesaid order, the applicants are regularly appearing before the learned court concerned which is clear from perusal of order sheet appended in the supplementary affidavit dated 23.09.2026. The applicants are regularly appearing before the learned court concerned, therefore, there is no requirement of custodial interrogation of the applicants.

4. In view of above, the interim anticipatory bail granted to the applicants vide order dated 01.04.2026 is hereby made **absolute**. The applicants will remain on anticipatory bail till conclusion of trial on the same terms and conditions as given in the order dated 01.04.2026 passed by this Court.

5. The anticipatory bail application stands **allowed**.

6. In default or misuse of any of the conditions mentioned in the order dated 01.04.2026, the Public Prosecutor/ Investigating Officer/ first informant-complainant would be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants, before the concerned court.

(Vivek Kumar Singh,J.)

October 7, 2026
Radhika

Digitally signed by :-
RADHIKA VISHWAKARMA
High Court of Judicature at Allahabad