2026:AHC:209458

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 30864 of 2026

Shiv Bahadur Yadav And Another

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Pramod Narayan Yadav, Yogendra Kumar Yadav

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

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Yogendra Kumar Yadav, learned counsel for the applicants and learned AGA for the State.

2. The present application under Section 528 BNSS has been filed with a prayer to quash the impugned summoning warrant dated 05.07.2025, arrest warrant dated 20.12.2025 and subsequent warrant dated 29.03.2026 passed by the learned Court of Additional Civil Judge (Junior Division)/ Offences against Women/Fast Track Court, Mirzapur in Case No.1090 of 2025 proceeded pursuant to the N.C.R. No.47/2023, (State v. Shiv Bahadur Yadav & another) under Sections 323 & 427 of I.P.C, Police Station-Chilh, District-Mirzapur and its entire consequential proceedings proceeded before the same learned Court.

3. From the perusal of the material on record and looking into the facts of the case, at this stage, it cannot be said that prima facie no offence is made out against the applicants. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 528 BNSS. Only in cases, where the Court finds that there has been failure of justice or misuse of judicial mechanism or procedure, sentence or order was not correct, this power may be exercised to prevent the abuse of process of miscarriage of justice. Therefore, no interference is required.

4. Accordingly, prayer of the applicants is refused.

5. However, considering the prayer made by learned counsel for the applicants, it is directed that in case the applicants apply for bail before the concerned court within 30 days from today, the same shall be considered and disposed of expeditiously in the light of law laid down by the Apex Court in the case of ***Satender Kumar Antil vs. Central Bureau of Investigation and another, reported in (2021) 10 SCC 773***.

6. For a period of 30 days from today or till the time of applying the bail application before the court concerned, whichever is earlier, no coercive measures shall be taken against the applicants.

7. With the above observations, this application under Section 528 BNSS is disposed of.

(Nand Prabha Shukla,J.)

October 7, 2026
Aditya Tripathi

Digitally signed by :-
ADITYA TRIPATHI
High Court of Judicature at Allahabad