2026:AHC:212090

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 36523 of 2026

Alok Prakash Singh And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kanhaiya Lal Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Sri Firdos Ahmed holding brief of Sri Kanhaiya Lal Tiwari, learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 B.N.S.S. has been filed with a prayer to allow this application and to quash the entire proceedings as well as charge-sheet dated 29.01.2026 as well as cognizance order dated 10.04.2026 passed by learned Additional Chief Judicial Magistrate-2nd, Court No.10, Basti in Case No.4055 of 2026 (State Vs. Abhishek Singh and others) arising out of Case Crime No.02 of 2026, under Sections 191(2), 115(2), 352, 351(3) B.N.S., Police Station-Dubauliya, District-Basti, pending in the Court of learned Additional Chief Judicial Magistrate- 2nd, Court No.10, Basti.

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 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. Only in cases where the Court finds that there has been failure of justice or abuse of procedure, this power may be exercised to prevent the abuse of process to secure the ends of justice.

4. Accordingly, prayer for quashing is declined.

5. In case, the applicants are not on bail, it is directed that if the applicants

appear or surrender through counsel before the Trial Court and make an application for bail within 45 days from the date of the order, the same shall be considered and disposed of expeditiously, after giving opportunity to the other side.

6. Further, it is provided that in case the applicants move an application for discharge at an appropriate stage through counsel, the same shall be disposed of by the Trial Court by a reasoned and speaking order in accordance with law within six weeks thereafter.

7. For a period of 45 days or till the disposal of the discharge application, whichever is earlier, no coercive measures shall be taken against the applicants in the aforesaid case.

8. With the aforesaid direction, this application is disposed of.

(Nand Prabha Shukla,J.)

October 9, 2026
Puspendra

Digitally signed by :-
PUSPENDRA NARAYAN SINGH
High Court of Judicature at Allahabad