HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11031 of 2026

Hoshiyar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Prashant Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Learned counsel for the applicant and Learned A.G.A. for the State as well as perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.0334 of 2026, under Sections 191(2), 191(3), 115(2), 109(1), 352, 351(3) of the B.N.S., P.S.- Sikandra, District- Agra, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.

3. This is a second anticipatory bail application. The first anticipatory bail application of the applicant had been dismissed as withdrawn with the liberty to file a fresh anticipatory bail application after explaining in detail the criminal antecedents as was required under Chapter XVIII Rule 18(7) of the Rules of the Court.

4. Learned counsel for the applicant has contended that the applicant has been falsely nominated in the present case along with seven other named accused and four to five unknown persons. A general role of assault on the three alleged injured has been given to the accused persons who were supposedly armed with lathi, sticks, iron rebar, axe and country-made pistols. The role of firing upon the injured has been specifically

assigned to the co-accused Rohit and Arjun. Learned counsel for the applicant has further submitted that the injured have not received any gunshot injury. The medical examination reports of only two injured, Madan Mohan and Ram Kumar, are available and injured Madan Mohan has received three injuries and the injured Ram Kumar has received two injuries. Learned counsel for the applicant has stated that although the head injury found on the person of Ram Kumar, which had an underlying scalp haematoma, is stated to be dangerous to life, the same has not been specifically attributed to the applicant. The applicant has a criminal history of one case, however, he is not a previous convict. Similarly situated co-accused Sunder Yadav has been granted anticipatory bail by this Court in NABAIL No.9071 of 2026.

5. Learned A.G.A. has opposed the prayer for grant of anticipatory bail and has contended that the applicant and the other accused have brutally assaulted the injured. The injured Madan Mohan has received a head injury which could have been fatal. Even the injured Ram Kumar has received a fracture of ulna bone, which is also a grievous injury. Learned A.G.A. submits that the injured Madan Mohan has received a fracture in the L-4 vertebra, which is also an injury which could have been dangerous to life.

6. I have considered the submissions made by the Learned counsels for the parties.

7. Although three persons are stated to have been assaulted by twelve - thirteen persons, the injury reports of only Ram Kumar and Madan Mohan are available on record. On a pointed query raised to Learned A.G.A., he has not been able to bring on record any injury report of Mayank Agarwal. The applicant and the other accused have been given a general role of assault using lathi, sticks, iron rebar, axe and country-made pistols. However, there is no gunshot injury present on the injured. It is an admitted case in the F.I.R. itself that the injured

did not receive any gunshot injury. The applicant has a criminal history of one case being Case Crime No.820/2015 under Sections 379, 411 IPC and Section 4, 21 of Mines and Minerals Act, P.S. Sidandra, District Agra in which the applicant is on bail granted by the concerned Court. The applicant is not a previous convict.

8. Prima facie, from the number of injuries received by the injured, the number of accused nominated in the F.I.R., the weapons assigned and the mode and manner of assault, the false implication of the applicant cannot be ruled out. Co-accused Sundar Yadav has been granted anticipatory bail by this Court and the case of the applicant is at par with that of the co-accused.

9. Taking into account the facts and circumstances of the case, I deem it appropriate to enlarge applicant on anticipatory bail.

10. In view of the above, the anticipatory bail application of the applicant is ***allowed***.

11. In the event of the arrest of the applicant-**Hoshiyar**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

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

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

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

iv. that the applicant shall not pressurize/intimidate the

prosecution witness;

12. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

13. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

October 28, 2026
A. Pandey

(Rajiv Lochan Shukla,J.)

Digitally signed by :-
ANAND PANDEY
High Court of Judicature at Allahabad