**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10930 of 2026**

Sabir And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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| Counsel for Applicant(s) | : | Pankaj Kumar Tripathi |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 70**

**HON'BLE RAJIV LOCHAN SHUKLA, J.**

***1.*** Heard, 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.406 of 2026, under Sections 191(2), 191(3), 324(4), 352, 117(2), 351(3), 109(1) B.N.S., P.S.- Chhata, District-Mathura, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the above-mentioned case.

***3.*** At the very outset, the Learned A.G.A. raised an objection by submitting that the applicant No.1 has not explained his complete criminal antecedents as is required under the provisions of Chapter XVIII, Rule 18 sub-Rule (7) of the Rules of the Court.

***4.*** On being confronted with this objection, the Learned counsel for the applicants submits that he may be permitted to withdraw this application for the applicant No.1 with liberty to file a fresh application explaining in detail the criminal antecedents of the applicant No.1 in view of the provisions of Chapter XVIII, Rule 18 sub-Rule (7) of the Rules of the Court.

***5.*** Taking into account the prayer made by the Learned counsel for the applicants, this application so far as the same relates ***to the applicant No.1*** stands ***dismissed as withdrawn*** with the above-mentioned liberty.

***6.*** Certified copies, if any, for the applicant No.1, may be returned to the Learned counsel for the applicants.

***7.*** So far as applicant no. 2 is concerned, the Learned counsel for the applicant has contended that in all, eight to nine people are said to have assaulted the injured, out of whom four persons have been named, including the applicant. Learned counsel states that the injured has received only six injuries and none of the injuries have been opined to be grievous in nature or dangerous to life except injury no. 1, which was on the left hand, in which the third metacarpal bone of the left hand was found to be fractured. The Learned counsel has further submitted that even otherwise the said injury cannot be stated to be dangerous to life. That applicant no. 2 had lodged an FIR against the informant on 12.06.2026, which was registered as Case Crime No. 292 of 2026, and in counterblast to the said case, despite there not being any injury which may be called dangerous to life, in collusion with the police, the present FIR invoking Section 109(1) of the BNS amongst other offences has now been registered. Learned counsel for the applicant states that applicant no. 2 has no criminal antecedents.

***8.*** Learned A.G.A. has opposed the prayer for grant of anticipatory bail but does not dispute the fact that the applicant No.2 has no criminal antecedents.

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

***10.*** None of the injuries found on the person of the injured have been opined to be dangerous to life. The grievous injury that has been found is on a non-vital part of the body. Prima facie, From the material available on record, an offence under Section 109(1) BNS is not made out. Eight to nine people are said to have assaulted the injured and taking into account the number of accused nominated in the FIR and the number and nature of the injuries sustained by the injured, false implication of the applicant on account of previous enmity cannot be ruled out.

***11.*** Taking into account all the facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it fit to

enlarge the applicant No.2 on anticipatory bail.

***12.*** In view of the above, the anticipatory bail application of the applicant No.2 is **allowed**.

***13.*** In the event of the arrest of the **applicant No.2 - Maksood**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety 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 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;

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

***15.*** 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.

**(Rajiv Lochan Shukla,J.)**

**October 27, 2026**
Sachin

Digitally signed by :-
SACHIN TIWARI
High Court of Judicature at Allahabad