2026:AHC:210621

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 47257 of 2025

Firdaus

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashish Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard Mr. Ashish Kumar Pandey, learned Counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. This application under Section 528 BNSS has been filed by the applicant with the following prayer:

> "*It is, therefore most respectfully prayed that this Hon'ble court may graciously be pleased to allow this application and further be pleased to quash the entire proceeding as well as N.B.W dated 11.08.2011 arising out of criminal case. no- 2338 of 2010 (State Vs. Naushad) In case crime no- 806 of 2010 under section 498 A, 323, 420, 467, 468, 471, 506 of I.P.C. and 3/4 of D. P. Act, Police Station- Hapur Nagar, District – Hapur Pending in the Court of chief judicial magistrate court no 3, Hapur,.*
>
> *It is further be pleased to stay the further proceeding of the N.B.W dated 11.08.2011 arising out of criminal case. no- 2338 of 2010 (State Vs. Naushad) In case crime no- 806 of 2010 under section 498 A, 323, 420, 467, 468, 471, 506 of I.P.C. and 3/4 of D. P. Act, Police Station- Hapur Nagar, District - Hapur Pending in the Court of chief judicial magistrate court no 3, Hapur, during the pendency of the instant case before this Hon'ble court, And/or to pass such other and further order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*"

3. After some argument, learned Counsel for the applicant has made a statement at the Bar that he does not wish to press other prayers

made in the application and states that the applicant is ready to surrender before the Trial Court within three weeks and seek his bail and that the bail application be considered and disposed of in view of law laid down by Hon'ble Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another reported in (2021) 10 SCC 773.**

4. Learned AGA states that he has no objection to the aforesaid prayer made by the Counsel for the applicant for not pressing the other prayers made in the instant application.

5. In view of the above, in case the applicant appears before the Trial Court within three weeks and applies for bail, his bail application be considered and disposed of in view of law laid down by Hon'ble Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another reported in (2021) 10 SCC 773** after hearing the parties.

6. For the aforesaid period of three weeks or until surrender before Court, whichever is earlier, no coercive steps shall be taken against the applicant in the aforesaid case. However, the learned Trial Court shall proceed with the matter against the applicant in accordance with law.

7. With the aforesaid observations, this application under Section 528 BNSS is finally **disposed of.**

October 7, 2026
Priyanka

(Chawan Prakash,J.)

Digitally signed by :-
PRIYANKA KUSHWAHA
High Court of Judicature at Allahabad