2026:AHC:227040

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11434 of 2026

Shahid

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Chandra Shekhar Pal, Sunil Kumar Yadav
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 Crime No.398 of 2026, under Sections 117(2), 118(1), 115(2), 109(1), 131, 352, 351(3), 3(5) BNS, P.S. Nai Mandi, District Muzaffarnagar, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.

3. Learned counsel for the applicant has contended that the applicant has been falsely implicated in the present case. The applicant is an old man aged about 58 years. The applicant has been implicated in the present case along with three other named accused and 3 to 4 unknown persons. The allegation is of assaulting the two injured and causing them grievous injuries. Learned counsel has submitted that a general role of using lathi, sticks, iron rebar and sharp edged weapons has been levelled in the F.I.R. and in the statement of the injured witnesses under Section 180 of the B.N.S.S. Learned counsel has further submitted that there is a previous enmity between the parties and another case being Case Crime No.165 of 2021 had been registered against 10 named accused and 50 to 60 unknown persons, in which the applicant was also subsequently implicated. Learned counsel has further submitted that on account of the previous enmity between the parties, the applicant has been implicated in the present case.

4. Learned A.G.A. has opposed the prayer for bail and has contended that grievous injuries have been found on the person of the two injured, Abdullah and Moh. Inam. Learned A.G.A. has further stated that injured Moh. Inam has received a fracture of nasal bone and the injured Abdullah has received fracture at the base of distal phalanx of the index finger. Learned A.G.A. does not dispute the explanation given by the applicant with respect to his criminal antecedents.

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

6. The injured Abdullah is stated to have received six visible injuries and the injured Moh. Iaam has also received six visible injuries and one chest pain. In the supplementary report, fracture of nasal bone and fracture of distal phalanx of index finger has been noted, however, none of the injuries have been opined to be dangerous to life. In all, seven to eight people have been given the role of indiscriminate assault using blunt and sharp edged weapons. In the prima facie opinion of the Court taking note of the role assigned to the applicant and the number and nature of injuries sustained by the injured, false implication of the applicant on account of the previous enmity cannot be ruled out. The applicant is an old man aged about 58 years. The F.I.R. itself has been lodged after a delay of about two days and no plausible explanation for the said delay is forthcoming.

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

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

9. In the event of the arrest of the applicant-Shahid, 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;

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

11. 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.

November 2, 2026
Neeraj

(Rajiv Lochan Shukla,J.)

Digitally signed by :-
NEERAJ KUMAR SINGH
High Court of Judicature at Allahabad