HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11435 of 2026

Mahendra Gautam And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Akash Kumar Nishad, Pradeep Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Sri Ashutosh Kumar Shukla, Learned Advocate holding brief of Sri Akash Kumar Nishad, Learned counsel for the applicants 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 applicants in Case Crime No.211 of 2026, under Sections 109(1), 191(2), 191(3), 333, 115(2), 118(1), 352, 351(3) BNS, Police Station Bithoor, District Kanpur Nagar, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the abovementioned case.

3. Learned counsel for the applicants has contended that the applicants although have been named in the FIR, the allegation against the applicants is of sending ten to twelve unknown persons to assault the injured who are six in number. Referring to the injuries as recorded in the bail rejection order, the Learned counsel has contended that none of the injured have received any injuries which may be categorized to be dangerous to life. He contends that the injured Raunak Nishad has received five injuries, injured Dilip Kumar has received three injuries, the injured Yadunath although has been medically examined and complained of pain but there were no visible injuries. The injured Vinay Nishad has received two injuries, the injured Dinesh Kumar has received two injuries and the injured Chandrakali has received one injury. None of the injuries were later found to be dangerous to life. He further contends that the FIR has been lodged against twenty one named accused and ten to twelve unknown persons and Bicchu gang. The Learned counsel states that one of the co-accused Santosh is the Pradhan and it is only due to political animosity the entire case has been concocted by the informant and the injured. The applicant No.1 has a criminal history of two

cases, in which the applicant has not yet put in appearance and is contemplating his legal remedies. The applicant No.4 has a criminal history of one other case, but he is not a previous convict. The other applicants have no criminal antecedents. Learned counsel further submitted that similarly situated co-accused Deepu Sagar has been granted anticipatory bail in NABAIL No.8169 of 2026, co-accused Surajbali, Santosh, Nisha, Kamlesh and Anis have been granted anticipatory bail in NABAIL No.9859 of 2026, co-accused Shankar, Neeraj, Deepak, Suraj, Rajveer, Santlal and Laalman have been granted anticipatory bail in NABAIL No.9850 of 2026 and co-accused Rajkumari has been granted anticipatory bail by this Court in NABAIL No.8248 of 2026.

4. Learned AGA has opposed the prayer for bail but does not dispute the fact that similarly situated co-accused Deepu Sagar, Surajbali, Santosh, Nisha, Kamlesh, Anis, Shankar, Neeraj, Deepak, Suraj, Rajveer, Santlal, Laalman and Rajkumari have already been granted anticipatory bail by this Court.

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

6. There appears to be a dispute which took place between one Manish and four to five unknown persons and the nephew of the informant, Raunak alias Raja. The injured Raunak was supposedly assaulted by these persons who then supposedly called his uncle who took him home and it is thereafter, the informant and the others were attacked by 10 to 12 unknown persons and some other unknown persons of the Bichhoo gang, supposedly sent by the applicants and the other named accused. None of the injuries that have been received by the injured have been opined to be dangerous to life. From the material on record, the number of accused nominated in the FIR, and the number and nature of injuries received by the injured, in the prima facie opinion of the Court, false implication or over-implication cannot be ruled out. Except applicant no.1 and 4, other other applicants have no criminal antecedents.

7. Taking into consideration the entire facts and circumstances of the case, as discussed above, I deem it appropriate to enlarge the applicants on anticipatory bail.

8. The anticipatory bail application of the applicants is **allowed.**

9. In the event of the arrest of the applicants-**Mahendra Gautam, Dharmendra Gautam, Shailendra Gautam, Arun Gautam** and **Rohit,** they shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing of their personal bond and surety to the satisfaction of the

Station House Officer of the police station/Court concerned with the following conditions:-

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

ii. that the applicants 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 them from disclosing such facts to the Court or to any police officer;

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

iv. that the applicants 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