2026:AHC:227735

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11478 of 2026

Lucky @ Lucky Vishwakarma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, 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 applicant in Case Crime No. 247 of 2025, under Sections 109(1), 115(2), 117(2), 126(2), 190(2), 191(2), 191(3), 324(4), 352, 351(3) of BNS, Police Station- Jansa, District -Varanasi, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the above-mentioned case.

3. Learned counsel for the applicant has contended that the applicant was not named in the FIR. His name was later disclosed in the second statement of the injured. Initially, the FIR included Section 309(6), but the said offence was later dropped during investigation. Similarly situated co-accused Vishal Kumar Yadav and Aryan Yadav were granted anticipatory bail by the Additional Sessions Judge, Court No. 1, Varanasi. Vicky Yadav @ Baba and Vikas Yadav @ Mayank Yadav, who were named in the FIR, have been granted anticipatory bail by this Court in NABAIL No. 191 of 2026. The case of the applicant stands on a similar footing. Applicant has no criminal antecedents.

4. The Learned A.G.A. has opposed the prayer for grant of anticipatory bail, but does not dispute the fact that the case of the applicant stands on a similar footing to that of the co-accused Vicky Yadav @ Baba and Vikas Yadav @ Matank Yadav.

5. I have considered the submissions made by the Learned counsel for the parties and perused the material brought on the record.

6. General role has been assigned to all the accused of causing injuries to the injured. Applicant was not named in the FIR. His name is said to have

surfaced in the second statement of the injured Raghvendra Kumar Tiwari on 05.05.2026 i.e. after about six months of the occurrence. The FIR itself has been lodged with a delay of three days.

7. 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 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 -**Lucky @ Lucky Vishwakarma**, 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;

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
Sartaj

(Rajiv Lochan Shukla,J.)

Digitally signed by :-
SARTAJ AHMAD
High Court of Judicature at Allahabad