2026:AHC:231316

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11674 of 2026

Shahzad Anwar And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Saif Ullah, Sudhakar Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned Counsel for the applicants, Sri Naushad Ahmed, the Learned Counsel for the informant, 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.95 of 2026, under Sections 191(2), 191(3), 190, 115(2), 109(1), 351(2), 352 B.N.S., P.S.- Nakhasa, District- Sambhal, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the above-mentioned case.

3. Learned Counsel for the applicants has contended that the FIR has been lodged against 13 named accused and 10 to 15 unknown persons with the allegation of assaulting five persons, including the informant. The five people, who have received injuries have not received any injury which could be described to be dangerous to life. The informant himself has not received any injury. Allegation against the applicant No.1 is of firing upon the informant, who fortunately escaped unhurt. Learned Counsel has further submitted that a previous dispute is pending between the parties where family members of the informant have lodged a Civil Suit being Case No.127 of 2013, which is pending before the Civil Judge (Junior Division), Sambhal. The Learned Counsel has further submitted that the implication of the applicants is only on account of the fact that they are related to the co-accused.

4. Sri Naushad Ahmed, the Learned Counsel for the informant and the Learned A.G.A. have opposed the prayer for grant of anticipatory bail and

have contended that five people have received injuries in the occurrence. Injured Md. Naeem has received a fracture of the ulna bone. The injured Md Raees has received fractures of the fourth and fifth metacarpal bone of the left hand. The injuries being grievous in nature, an offence under Section 109(1) of the BNS is clearly made out. No indulgence may be granted to the applicants and their application for anticipatory bail may be dismissed. They, however, do not dispute the fact that the applicants have no criminal antecedents.

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

6. From the perusal of the FIR and the other material brought on the record, it appears that there is a property dispute between the parties. The allegation is that on 13.5.2026 at about 12:30 PM, the named accused along with some 10 to 15 unknown persons and one unknown lady claiming to be a lawyer, came on the spot and claimed that the said plot belonged to them and started abusing the informant. Once the informant objected to the same, the applicant No. 1 is stated to have taken out a country-made pistol and fired upon the informant but he escaped unhurt. The other accused are stated to have used sharp-edge weapons, *lathis*, sticks and ropes to assault the injured. The five people who are said to have received injuries, have not received any injury which could be categorized to be dangerous to life. The injuries of Md. Raees and Md. Naeem that have been pointed out, although grievous in nature, cannot be stated to be dangerous to life. *Prima facie* from the number of accused nominated in the FIR, number and nature of injuries sustained by the injured, false implication of the applicants or over-implication by the informant due to previous enmity relating to property cannot be ruled out.

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 applicants on anticipatory bail.

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

9. In the event of the arrest of the applicants **Shahzad Anwar and Mohammad Shamsad**, they 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 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.

(Rajiv Lochan Shukla,J.)

November 5, 2026
Sachin

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