2026:AHC:231686

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11716 of 2026

Mahipal And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Bhuvnesh Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned Counsel for the applicants, 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.502 of 2026, under Sections 109(1), 126(2), 115(2), 351(3), 352 BNS, Police Station- Chandpur, District Bijnor, with a prayer to enlarge them on anticipatory bail as the applicants apprehend their arrest in the above-mentioned case.

3. The Learned Counsel for the applicants has submitted that the applicants have been falsely implicated in the present case. The FIR has been lodged against the applicants and two unknown persons. The allegation is of assaulting the injured, Charan Singh and Mohit. The injuries sustained by Mohit were simple in nature. Charan Singh is said to have received three visible injuries, out of which injury no. 3 is stated to be grievous in nature. One stab wound on the chest and one incised wound on the head have been opined to be simple in nature.

4. Learned Counsel has further submitted that there is a cross-version of the incident as well. Applicant no. 2 sustained grievous injuries. He was examined on the same day and his seventh rib was found fractured. Learned Counsel has further submitted that the applicants have no criminal history.

5. Learned Counsel has further contended that the incident took place at

the house of the applicants. It is the informant's side which was the aggressor and the applicants may be considered for grant of anticipatory bail.

6. Learned Counsel for the informant has opposed the prayer for bail and relying upon the statement of the doctor recorded by the police, has contended that the injured Charan Singh sustained grievous injuries which could have been fatal to his life. Learned Counsel has stated that the stab wound on the chest was also a grievous injury; however, he does not dispute the fact that, in the supplementary report, the stab wound and the incised wound have been opined to be simple in nature.

7. Learned Counsel has further stated that the FIR lodged from the applicants' side was delayed, whereas the present FIR was lodged immediately after the incident. Referring to the statement of Charan Singh, Learned Counsel has stated that a specific role of using a spear to cause a stab wound on the back has been assigned to the applicants and the applicants may not be considered for grant of anticipatory bail.

8. I have considered the submissions made by learned Counsel for the parties.

9. There are cross-cases and both sides claim to have sustained injuries. Applicant no. 2 was examined on the same day after he was taken for medical examination by the Home Guard, which shows that it was the police who got applicant no. 2 medically examined. The seventh rib of applicant no. 2 was found fractured.

10. In the prima facie opinion of the Court, taking note of the allegations mentioned in the FIR, mode and manner of assault described in the statements of the witnesses, it cannot be said as to which side was the aggressor. The applicants have no criminal antecedents and applicant no. 2 himself claims to have sustained injuries.

11. 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.

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

13. In the event of the arrest of the applicants **Mahipal and Navjeet Kumar**, 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;

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

15. 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
S.A.

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