2026:AHC:97650

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 3870 of 2026

Girja Devi And 19 Others

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajay Kumar Sharma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Ajay Kumar Sharma, learned counsel for the applicants and Learned AGA for the State.

2. The present anticipatory bail application under Section 482 of BNSS has been filed by the applicant with a prayer to release them on anticipatory bail in Case Crime No. 215 of 2021 (State Vs. Girja Devi and others), under Sections 147, 148, 149, 307, 323, 332, 353, 427, 504, 506, 120-B IPC and Section 7 Criminal Law (Amendment) Act, P.S._ Mangalpur, District- Rama Bai Nagar, during pendency of the trial.

3. It is contended by learned counsel for the applicants that the accused applicants have been falsely implicated by the police in FIR dated 14.5.2021. The allegation in the FIR is such that police party came to the village for investigation of a case and asked about miscreant Shiv Singh. The villagers gathered together and stop police persons from arresting the accused Shiv Singh which led to altercation and pelted stone and also beaten police persons with lathi and danda. During investigation, the accused applicants who are 20 in numbers have not been arrested. The charge sheet has been submitted. The criminal history of one case of accused applicant no.6 has been explained in which he is on bail. The accused applicants want to appear before the trial court to face trial but apprehending arrest. Hence, seek anticipatory bail.

4. Per contra learned A.G.A. has opposed the prayer for bail of the

applicants.

5. The scope of ambit of anticipatory bail is encapsulated in three insightful judgments of Hon'ble Supreme Court right from **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in **(1980) 2 SCC 565**, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra** reported in **(2011) 1 SCC 694** and **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another** reported in **(2020) 5 SCC 1**, wherein it is consistently held by Hon'ble Apex Court that while granting anticipatory bail, the Court should considering the application of the applicant to evaluate the threat or apprehension of arrest vis-a-vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willingness of the accused to cooperate in investigation and trial and the conduct of the accused and flight risk.

6. This Court while considering the gravity of accusation, **explained criminal history** and apprehension of arrest in the case vis-a-vis low flight risk and assurance of the accused in cooperating with the investigation and trial, is of considered view to grant anticipatory bail.

7. The **applicants- Girja Devi, Rajeshwari, Sanno Devi, Anoop, Nikhil, Sarvesh, Naresh Kumar Kushwaha, Manoj Kumar, Radhe Shyam, Sintu, Rinku @ Ashok Kumar, Deepu, Munesh, Sunder Lal, Gyan Singh, Arvind, Ram Jeewan, Amar Singh, Gyan Prakash** and **Govind** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer, as the case may be within 30 days from the date of this order and shall be released on bail on furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the court concerned with following conditions :-

(i) 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 him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicants shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS.

(iv) The applicants shall file an undertaking to the effect that he/she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicants shall remain present before the trial court on each date fixed, either personally or through his/their counsel.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Avnish Saxena,J.)

April 30, 2026
Krishna*

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