

# Hukam Singh And 9 Others vs State Of U.P. on 31 January, 2025

**Author: Raj Beer Singh**

**Bench: Raj Beer Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14611

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 11796 of 2024

Applicant :- Hukam Singh And 9 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Kuldeep Singh Chahar

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. The present application has been moved seeking anticipatory bail in Case Crime no. 97 of 2022, under Sections 147, 148, 149, 307, 504, 506, 323, 336 I.P.C. and Section 7 of Criminal Law Amendment Act, Police Station Fatehpur Sikri, District Agra with the prayer that in the event of arrest, applicants may be released on bail.
3. It has been argued by the learned counsel for the applicants that applicants are innocent and they have an apprehension that they may be arrested in the above-mentioned case, whereas there is no credible evidence against them. During investigation, applicants were granted anticipatory bail by this Court vide order dated 07.02.2023 for the period till submission of police report under Section 173(2) Cr.P.C. and applicants have never misused the liberty of anticipatory bail and now charge sheet has been submitted. Learned counsel submitted that according to prosecution version, police have reached at the spot after receiving information that two parties of the village are fighting with

each other. It was further submitted that neither of the party has lodged any first information report. In the incident, no one has sustained any serious or grievous injury. The injured persons have sustained merely simple injuries. It was submitted that in the FIR, 63 persons have been named and only general allegations have been levelled that all the accused persons were indulging in stone pelting. No specific role has been assigned to the applicants. Further, co-accused Bane Singh, Mintu @ Ravindra, Pushpendra, Suresh, Jitu @ Jitendra and Himmat have already been granted anticipatory bail by this Court. It was also submitted that applicants undertake to co-operate during trial and they would appear as and when required by the investigating agency or Court. It has been stated that in case, applicants are granted anticipatory bail, they shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

4. Learned A.G.A. has opposed the application for anticipatory bail.

5. It may be stated that in case of *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

6. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicants and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

7. The anticipatory bail application is allowed.

8. In the event of arrest of the applicants- Hukum Singh, Sonu, Ram Babu, Rajendra, Lakhpatt, Neeraj, Rakesh, Mohan Singh, Rajhans and Harendra Singh involved in the aforesaid case crime shall be released on anticipatory bail on their furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

(i) The applicants shall not tamper with evidence and that they would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) 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/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicants would co-operate during trial and would not misuse the liberty of bail.

9. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicants.

Order Date :- 31.1.2025 RKM