

# In The Court of Sessions Judge, Gonda

## Anticipatory Bail Application No. 542/2026

CNR No. UPGD01-001614-2026

1. **Dhanprakash** , aged about 27 years, S/o Bharat Chauhan

2. **Khuti @ Jai Prakash**, aged about 25 years, S/o Bharat Chauhan

Both R/o village- Chhachapara mutwalli, P.S.- Motiganj, District- Gonda.

.... **Applicants/accused persons**

**Versus**

**State of Uttar Pradesh**

**... Opposite party**

**Date: 24.03.2026**

1- This anticipatory bail application has been moved on behalf of applicants/accused persons **Dhanprakash** and **Khuti @ Jai Prakash** U/s 482 BNSS, in relation to case crime no. 65/2025, U/s 326 (G), 3(5) BNS, P.S.- Motiganj, District- Gonda.

2- As per first information report, it is alleged that on 06.05.2025 at about 09.00 p.m., Bharat, Dhanprakash, Bhagelu and Khuti who used to live in neighborhood of complainant set fire in her hut because of which articles like, mustard, by-cycle, utensils, paddy and cash of Rs. 20,000/- burnt and she suffered the loss of about one lakh rupees.

3- On the basis of above information, on 10.5.2025 at about 17.34 p.m. a first information report U/s 326(G) BNS was lodged against the present accused/applicants and others in aforesaid case crime number at police station concerned.

4- It is contended on behalf of accused/applicants that they are innocent and have falsely been implicated in the instant case. FIR is highly delayed and after thought. No reason for delay was shown. Prosecution story is concocted and no such incident actually occurred on the spot. There is no independent witness of alleged incident. No offence in aforesaid sections made out. On 19.2.2026 police has pasted the notice u/s 84 BNSS (82 Cr.P.C.) because of which his family is in fear. Accused/applicants have apprehension of arrest as police is regularly making raid at their home. On the above grounds, it is urged to enlarge the accused/applicant on bail.

5- Contrary to that learned DGC (CrI.) for the State opposed the bail and vehemently argued that accused/applicants along with other co-accused persons are named in the FIR. Accused/applicants along with other co-accused persons have put fire in hut of the complainant. In the alleged incident articles like, mustard, by-cycle, utensils, paddy and cash of Rs. 20,000/- burnt. Maximum punishment for the offence committed in instant case is life imprisonment. Apart from this against accused/applicants NBW and notice u/s 84 BNSS (82 Cr.P.C.) has been issued by court

concerned, which was also admitted by the learned counsel for the accused/applicant in his bail application at para 12. Offence is grievous in nature. On the above grounds urged for rejection of the anticipatory bail application.

6- Heard, learned counsel for the accused/applicant and learned DGC (Crl.) for the State and perused the record.

7- It transpires from the perusal of record that accused/applicants along with other co-accused persons is named in the FIR. In statement U/s 180 of BNSS/161 Cr.P.C. complainant has supported the prosecution version and stated to I.O. that on the date of alleged incident at about 9:00 p.m. accused/applicant along with other co-accused persons had put fire in her hut due to which articles like mustard, by-cycle, utensils, paddy and cash of Rs. 20,000/- kept in it burnt. Eye witness Ramayan and Bhagawan Das in their statement recorded u/s 180 BNSS have also supported the prosecution and complainant version.

8- There is nothing on record to outweigh the evidence collected by the I.O. concerned during the investigation that accused/applicants are prima-facie being falsely implicated in the case for harassing or defaming them. There is no other exceptional circumstance in the present case that would warrant consideration of their request for anticipatory bail. Offence is heinous in nature and is punishable with imprisonment for life. Apart from this also, in light of the decisions dated 21.07.2025 passed by the Hon'ble Supreme Court in **Criminal Appeal (SLP (Crl.) No (s.) 10251 of 2025 Nikita Jagannath Shetty @ Nikita Vishwajeet Jadhav Vs. State of Maharashtra and others** and the legal principle propounded in case law **Shri Kant Upadhyay Vs. State of Bihar, 2024, SCC online SC 282**, there is no sufficient ground for anticipatory bail. Co-accused Bhagelu, regular bail application has already been rejected by this court vide order dated 29.07.25 and role of accused/applicants is not different from that. Also as per admission of learned counsel for the accused/applicant, a notice against accused/applicants U/s 84 BNSS (82 Cr.P.C.) has been issued by the court concerned, which shows that accused/applicants are not co-operating in the investigation.

11- Thus, in light of above fact and circumstances of the case and seeing the nature and gravity of the offence, in my opinion, it is not a fit case for anticipatory bail.

#### **Order**

**Anticipatory Bail application 542/2026** moved on behalf of accused/applicants **Dhan Prakash and Khuti @ Jai Prakash** in relation to case crime no. 65/2025, U/s 326(G) and 3(5) BNS, P.S.- Motiganj, District- Gonda is hereby **rejected**.

Dated : 24.03.2026

**(Durg Narain Singh)**  
Sessions Judge,  
Gonda

