



UPSI010039652026

The Court of District & Sessions Judge, Sitapur.

CIS No.- 1761/2026

Bail Application No. 748/2026

1. Anshul Tiwari		
2. Ankul Mishra		Accused-applicants,
	Versus	
State of U.P.		Respondent.

Case Crime No.- 129/2026

**Section- 109(1), 190, 191(2),
324(4), 117(2), 191(3) BNS**

P.S.- Atariya, District Sitapur.

Disposed Bail Application Order

1. This first bail application has been filed by the accused-applicants **Anshul Tiwari** and **Ankul Mishra** in Case Crime No. 129/2026 under Sections 109(1), 190, 191(2), 324(4), 117(2), 191(3) of the BNS, P.S. Atariya, District Sitapur.
2. In connection with this bail application an affidavit of **Rajkumar** has also been filed stating that this is the first bail application of the accused-applicants and no other bail application has been filed by the accused-applicants either in this Court or in the Hon'ble High Court neither any bail application is pending before this Court nor has been rejected.
3. The brief facts of the prosecution case are that the complainant, Himanshu Tripathi, alleged that on the evening of the incident at about 8:00 p.m., his son, Prashant Tripathi, was travelling from Sidhauri to Lucknow for some personal work. Near Tikauri Mod, the vehicle of the complainant's son was allegedly hit from behind by another vehicle. Before he could regain control of his vehicle, it was repeatedly rammed by three vehicles with an intention to kill him, causing his vehicle to fall into a roadside ditch. After the vehicle fell into the ditch, the accused persons dragged Prashant Tripathi out of the vehicle and assaulted him with sharp-edged weapons, lathis, dandas and the butts of illegal firearms with an intention to cause his death. The complainant identified Manoj Tiwari, Anshul Tiwari, Himanshu Tiwari, Ayush Shukla @ Gauri and about 10 to 12 unknown persons as the assailants. It is alleged that the accused persons continued to

assault Prashant Tripathi until he became unconscious and, believing him to be dead, fled from the spot in their vehicles. Thereafter, the complainant admitted his injured son to Hind Hospital and approached the police to lodge the report.

4. Heard the learned counsel for the accused-applicants, learned counsel for the complainant and D.G.C. Criminal for the State and perused the record.
5. The Learned counsel appearing on behalf of the accused-applicants stated that the accused-applicants have been falsely implicated in the present case on account of previous enmity. The alleged incident is false and fabricated, and the accused-applicants are innocent. The allegations made in the FIR, even if accepted as correct, do not prima facie make out an offence under Section 109 BNS against the accused-applicants. It is noteworthy that no registration number of any of the alleged vehicles involved in the incident has been mentioned in the FIR, and the applicant Ankul Mishra is not a named accused therein. There is no independent or reliable evidence against the accused-applicants in the present case. The prosecution case itself indicates that the vehicle of the injured, Prashant Tripathi, fell into a ditch, which clearly suggests that the injuries sustained may have resulted from the accident and that the accused-applicants have been falsely implicated due to previous animosity. The FIR alleges that three named persons along with 10–12 unknown persons committed the incident; however, no specific role has been attributed to any particular accused. Furthermore, no motive for the alleged occurrence has been disclosed. The accused-applicants never assaulted the injured Prashant Tripathi. The accused-applicants, if enlarged on bail, are ready and willing to abide by the terms and conditions imposed by this Hon'ble Court and shall not misuse the liberty of bail granted to them and will appear before the Court on each date of hearing.
6. Per contra, learned D.G.C. Criminal and learned counsel for the complainant have vehemently opposed this bail application.
7. Case diary and material available on record have been perused. From the perusal of the FIR, it transpires that the injured Prashant Tripathi was repeatedly hit by vehicles, causing his vehicle to fall into a roadside ditch, whereafter he was dragged out and assaulted with sharp-edged weapons, lathis, dandas and the butts of illegal firearms with an intention to cause his death by the accused-applicants along with other co-accused persons.

The accused-applicant Anshul Tiwari is a named accused in the FIR and specific allegations have been levelled against him. Although the accused-applicant Ankul Mishra is not a named accused in the FIR, his name has surfaced during the course of investigation and his name has specifically been disclosed by the injured Prashant Tripathi in his statement. It is further evident from the medical record that the injured sustained four stitched wounds and fracture of the ulna bone at the left elbow, which indicates the seriousness of the assault. The allegations pertain to a brutal attack committed by a group of assailants with deadly weapons and by repeatedly ramming the vehicle of the injured, thereby causing serious injuries. Considering the nature and gravity of the accusations, the injury sustained by the victim, and without expressing any opinion on the merits of the case, this Court does not find it a fit case for grant of bail to the accused-applicants. Accordingly, the bail application of accused-applicants is liable to be **rejected**.

ORDER

The bail application moved on behalf of the accused-applicants **Anshul Tiwari** and **Ankul Mishra** in Case Crime No. 129/2026 under Sections 109(1), 190, 191(2), 324(4), 117(2), 191(3) of the BNS, P.S. Atariya, District Sitapur is hereby, **rejected**.

Date:23.06.2026
Agam-

(Incharge)
District & Sessions Judge
Sitapur
J.O. Code- UP- 6113