



2026:AHC:169673

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8700 of 2026

Rohit Patel And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Singh, Amit
Kumar Yadav, Anuj
Srivastava

Counsel for Opposite Party(s) : G.A., Vibhu Rai

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Bheshaj Puri, learned counsel for the accused-applicants, Sri Vibhu Rai, learned counsel for the informant and learned A.G.A. for the State.

2. The present bail application has been moved by the accused-applicants **Rohit Patel, Rohit Rajbhar, Ramkaleshwar Patel & Virendra Rajbhar** to enlarge them on bail in Case Crime No. 142 of 2025, under Sections 3(5), 109(1), 191(2), 115(2), 351(3), 352 BNS, P.S.- Revtipur, District- Ghazipur, during the pendency of trial.

3. It is contended by learned counsel for the accused-applicants that the accused-applicants have been falsely implicated in F.I.R. dated 30.10.2025 lodged by the son of injured against 11 named and 7-8 anonymous persons with the allegation that while the accused persons were fishing at the pond, the injured came and asked them not to fish, on which, the accused persons had assaulted the injured with sharp edged weapons, rod and danda. Further submits that the injured suffered one injury as the mob has chased him and assaulted him, because of the fact that he has opened fire at one of the co-accused

Praveen Patel while he was fishing on the pond. The F.I.R. to this effect was lodged by his father on 29.10.2025 at about 11:00 p.m. in the night. Further submits that the injured was taken to police custody and the country made pistol was recovered from him. The applicant no.2 has one case criminal history, wherein he is on bail; Other applicants have one case criminal history, which was lodged by the police while declaring them absconder in this case. The applicants themselves had surrendered before the court. The charge sheet is submitted. The trial is still at the nascent stage. The applicants are in jail since 25.12.2025 and hence, the applicants seek to be released on bail.

4. Learned counsel for the informant and learned A.G.A. for State have opposed the prayer for bail of the applicants and submitted that the injured suffered grievous injuries on his head and the treatment is still continuing. The accused persons had assaulted the injured on his head, who suffered multiple head injuries and fracture. The applicants are absconding arrest and as such, the processes have been issued by the police, on which, the applicants have been arrested and hence, bail application is liable to be rejected.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. Considered that the injured suffered one injury on his head, which is fatal in nature, but no specific role is attributed on the accused-applicant and there is cross version of the F.I.R. which shows that the injured himself has opened the fire, due to which, one of the co-accused suffered injuries.

7. Hence, without touching merit of the case, the bail application is **allowed**.

8. The accused/applicants be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of court concerned in view of

observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674]** and **Policy Strategy for grant of bail in re [(2024)10SCC 685]**.

9. The accused-applicants shall cooperate in judicial process for fair and speedy disposal.

10. The accused-applicants are precluded to indulge in any type of act of intimidation to intimidate the informant or the injured.

(Avnish Saxena,J.)

August 12, 2026

Shivangi