



2026:AHC:162461

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26871 of 2026

Rayees Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Araf Khan, Lihazur Rahman Khan
Counsel for Opposite Party(s)	:	G.A., Rakesh Kumar Maurya

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Nikhil Kumar, learned Advocate filed his power on behalf of informant, today in the Court, which is taken on record.
2. Supplementary affidavit filed by the applicant is also taken on record.
3. Heard Sri Araf Khan, learned counsel for the applicant, Sri Nikhil Kumar, learned counsel for informant and Dr. S.B. Maurya, learned AGA-I for the State.
4. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 258 of 2026, under Sections 191(2), 190, 103(1), 3(5) BNS, Police Station Quarsi, District Aligarh during pendency of the trial.
5. Learned counsel for the applicant submits, FIR of the present case was lodged by the deceased himself on 18.03.2026 at 21.24 hours with the allegation that applicant and his brothers were having enmity with him and on 18.03.2026 at 12.00 PM in the afternoon they gave a lathi blow on his head from back side due to which he fainted but when after two days deceased died then case has been converted under Section 103(1) BNS. He further submits, entire allegations leveled against applicant are totally false.
6. He further submits, from the FIR it is apparent that deceased was having inimical term with co-accused Kadir, the brother of applicant and it reflects, only due to this reason he has been made accused in the present matter.
7. He further submits, even post mortem report suggests that deceased

sustained only one fatal injury on his head and other injuries were minor bruises which he might have sustained while he fell down and there is no evidence that applicant is the author of this injury. He further submits, even considering the post mortem report present case does not travel beyond Section 105(II) BNSS.

8. He further submits, however, apart from the present case applicant is having criminal history of one another case but his criminal history has been explained and even that case relates to minor offence. He further submits, in the present matter applicant is in jail since 30.03.2026.

9. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, as deceased himself lodged FIR of the present case, therefore, it cannot be said that applicant is innocent but they could not dispute the fact that however deceased sustained four injuries but three injuries were minor bruises and only one injury was on his head which was contusion and was fatal injury and only general role has been assigned to all the accused who are real brother of the applicant and there is no evidence that applicant is author of head injury.

10. I have heard learned counsel for the parties and perused the record of the case.

11. However, from the FIR which was lodged by deceased himself it reflects, applicant and his four brothers gave a lathi blow on his head but there is no allegation of repetition of blow. Post mortem report also suggests deceased sustained only one injury on his head. Considering the allegation made in the FIR and post mortem report of the deceased, the argument advanced by learned counsel for applicant that even present case does not travel beyond Section 105(II) BNSS cannot be ruled out at this stage.

12. Further, even only general role has been assigned to all the accused and there is no evidence that applicant is author of head injury sustained by the deceased.

13. Further, even it reflects, deceased was having inimical term with co-accused Kadir who is brother of the applicant and considering this fact, the argument advanced by learned counsel for applicant that applicant is brother of co-accused Kadir, therefore, he has been made accused in the present matter can also not be ruled out.

14. Further, however, apart from the present case applicant is having criminal history of one another case but his criminal history has been explained and that case relates to minor offence and in the present matter applicant is in jail since 30.03.2026.

15. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

16. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

17. Let the applicant - Rayees Khan 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 the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

18. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

19. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

August 4, 2026
AK Pandey

(Sameer Jain,J.)