



2026:AHC:168359

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26957 of 2026

Dushyant

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Aushim Luthra, Syed Imran Ibrahim
Counsel for Opposite Party(s) : G.A., Kiran Tiwari, Mahesh Chandra
Tiwari

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Manish Tewary, learned Senior Advocate assisted by Sri Aushim Luthra and Syed Imran Ibrahim, learned counsel for accused applicant, Sri A.K.Srivastava, learned Senior Advocate assisted by Sri Mahesh Chandra Tiwari, learned counsel for the informant and learned A.G.A. for State are present.

1A. Learned counsel for the applicant hands up the supplementary affidavit, the same is taken on record.

1B. Learned counsel for the informant hands up the short counter affidavit, the same is taken on record.

2. The present bail application has been moved by the applicant/ accused- **Dushyant** to enlarge him on bail in Case Crime No. 218 of 2026, under Sections 191(2), 115(2), 352, 351(3), 118(1), 109(1) BNS, P.S.- Ekta, District- Agra, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the FIR has been lodged on 16.05.2026 by one of the injured for the incident occurred at 05:00 p.m. on 15.05.2026 against three named and 8-10 anonymous persons implicated in the FIR excluding the accused/applicant. It is the contention of learned counsel that in the FIR there was dispute of the parking in the colony, wherein the accused/applicant, co-accused and two of the injured, namely, informant and his brother Dharmendra were

residents of the same society, whereas Subhash another injured was of somewhere else. There is allegation that on the point of parking dispute, there was an altercation between the parties and consequent assault by lathi and kulhari. It is the contention of learned counsel that three persons have been named including the brother of accused/applicant. In the charge sheet submitted by the police accused/applicant and his brother Ravindra Rajput have been named whereas other accused Mahavir and Jawahar, who are residents of same society have not been charge sheeted as the informant has not named them in his statement under Section 180 BNSS though the accused/applicant, who is known to the informant/injured was not named in the FIR, but subsequently implicated. Further submits that three persons had suffered injuries. The injured/informant had suffered simple injuries as well as Dharmendra, the brother of injured/informant also suffered simple injuries. One of the injured Subhash has suffered four injuries, out of which one is grievous in nature, which is multiple fracture of skull bone. It is the contention of learned counsel that nearly 13 persons have been given role in the FIR of assault, who is the author of those assault is not clear. The accused/applicant has no criminal history. The charge sheet is submitted. The accused applicant is languishing in jail since 09.06.2026. He seeks to be enlarged on bail.

4. Learned A.G.A. for State and learned counsel for the informant have opposed the prayer for bail and submitted that the CCTV footage of the place of incident is clear and explicit that the Scorpio car came on the spot belonging to the father of accused with the accused/applicant and he was also one of the assailant. It is further submitted that the injured Subhash is in coma and is not in a position to give statement whereas learned counsel has conceded that two of the injured witnesses have already named the accused/applicant in statement under Section 180 BNSS. The accused/applicant has been assigned specific role. Hence the bail application be rejected.

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

6. Considering that the FIR does not contain the name of accused/applicant, who is very well known to the injured/informant and

considering the nature and number of injuries and corresponding number of 14 accused persons alleged in the FIR excluding the applicant, the accused/applicant is entitled to be released on bail.

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

8. The accused/applicant 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-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

August 11, 2026

Abhishek Sri.