



2026:AHC:170984

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27086 of 2026

Babban

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Araf Khan, Lihazur Rahman Khan
Counsel for Opposite Party(s) : Nikhil Kumar Yadav, Vagish Yadav,
G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Vagish Yadv, advocate submits, he has filed his power on behalf of informant alongwith Sri Nikhil Kumar Yadav, but their names has not been shown in the cause list.
2. Supplementary affidavit filed by the applicant is taken on record.
3. Heard Sri Araf Khan, learned counsel for the applicant, Sri Vagish Yadav, learned counsel for the informant and Sri Rajnikant Rai, learned AGA 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 with the allegation that applicant and his brother made assault due to which he sustained injuries but it reflects, after two days deceased died and thereafter case was converted under Section 103(1) BNS.
6. He next submits, alongwith applicant his brother Rayees Khan was also made accused in the present matter and after considering the entire facts in detail including the fact that deceased sustained only single blow of *lathi* on his head, he has been released on bail by this Court vide order

dated 04.08.2026 passed in Criminal Misc. Bail Application No.26871 of 2026 and case of applicant is exactly at par with him.

7. He further argued, however applicant has also been made accused in two other cases but both the cases relate to minor offences and in one case final report has been submitted. He next submits, in the present matter applicant is in jail since 20.03.2026.

8. Per contra, learned AGA as well as learned counsel for informant however opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

10. However, applicant is named in the FIR alongwith co-accused Rayees Khan but co-accused Kadir, the another brother of the applicant appears to be prime accused. Further, even after considering the entire facts of the case co-accused Rayees Khan has been released on bail by this Court and case of applicant is at par with him.

11. Further, however applicant has also been made accused in two other cases but both the cases relate to minor offences and in one case final report has been submitted.

12. Further, in the present matter applicant is in jail since 20.03.2026.

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

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

15. Let the applicant - **Babban** 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.

16. 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.

17. 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.

(Sameer Jain,J.)

August 13, 2026

Shahroz