



2026:AHC:163621

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27185 of 2026

Ajay Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Arvind Kumar Maurya
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Arvind Kumar Maurya, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.118 of 2026, under Sections 115(2), 351(2), 3(5), 110, 118(1), 333, 103(1), 352 BNS, Police Station Kachhawa, District Mirzapur, during pendency of the trial.
3. Learned counsel for the applicant submits, FIR of the present case was lodged against applicant and others under Sections 115(2), 351(2), 3(5), 110, 118(1) BNS but after the death of one of the injured Prem Shankar, case has been converted for offence punishable under Section 103(1) BNS.
4. He further argued, however applicant is named in the FIR but on the basis of general and omnibus allegation he has been made accused in the present matter alongwith co-accused Sandeep Kumar.
5. He next submits, actually informant was having enmity with co-accused Sandeep Kumar and co-accused Sandeep by causing injury committed murder of the deceased and however in the incident deceased sustained two injuries but without any reason informant disclosed the name of applicant in the FIR and thereafter all the witnesses including injured witnesses also stated against the applicant. He further argued, applicant never participated in the alleged incident.

6. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 01.06.2026.

7. Per contra, learned AGA opposed the prayer for bail and submits, applicant is named in the FIR and as per allegation due to the assault made by the applicant and another accused one person died and two persons sustained injuries and considering the fact that deceased sustained as many as 23 injuries prima facie it cannot be said that it is a case of over implication. He further argued, there is no occasion to disbelieve the statements of the injured witnesses. He further argued, even applicant is in jail only since 01.06.2026.

8. He further argued, therefore considering above facts instant bail application may be dismissed.

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

10. Applicant is named in the FIR alongwith five others and as per allegation he alongwith other accused after entering in the house of the informant made assault due to which one person died and two persons sustained injuries.

11. Further, however only general role has been assigned to all the accused but considering the fact that deceased sustained as many as 23 injuries and injured persons also sustained injuries prima facie it does not appear to be a case of over implication.

12. Further, this Court finds merit in the argument advanced by learned AGA that at this stage statement of injured persons cannot be disbelieved and injured also disclosed the name of applicant.

13. Further, even applicant is in jail only since 01.06.2026.

14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

15. Accordingly, instant bail application stands **dismissed**.

16. 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 5, 2026
Shahroz