



2026:AHC:166348

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27231 of 2026

Mukesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Manoj Kumar, learned counsel for the applicant and Sri Ghanshyam Mishra, learned brief holder for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.148 of 2026, under Sections 190, 191(2), 352, 103(1), 3(5) BNS, Police Station Belghat, District Gorakhpur, during pendency of the trial.
3. Learned counsel for the applicant submits, however, applicant is named in the FIR along with five others including co-accused Vivek but only general role has been assigned to all the accused in the FIR.
4. He further submits, when the statements of eye witnesses were recorded then according to them co-accused Vivek was the person who caused head injury to the deceased and deceased sustained only one injury on his head.
5. He further submits, even after considering the entire facts of the case co-accused Sanjay has been enlarged on bail by this Court vide order dated 27.07.2026 passed in Criminal Misc. Bail Application No.25685 of 2026 and case of applicant is at par with him.
6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 14.06.2026.
7. Per contra, learned AGA opposed the prayer for bail but could not

dispute the argument on facts advanced by learned counsel for the applicant.

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

9. However, as per allegation, applicant and others made assault through wooden stick and iron rod due to which one person died but it reflects, only general role has been assigned in the FIR against all the accused.

10. Further, it reflects, during investigation when the statements of eye witnesses were recorded then they assigned specific role of causing head injury to co-accused Vivek and as per post mortem report deceased sustained one head injury and died due to this injury.

11. Further, even with a very detailed order co-accused Sanjay has been released on bail by this Court and case of applicant is at par with him.

12. Further, applicant is not having any criminal history and in the present matter he is in jail since 14.06.2026.

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 - **Mukesh** 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 5, 2026

Shahroz