



2026:AHC:166332

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27681 of 2026

Mukesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Ram Raj Pandey, learned Advocate, filed his power on behalf of the informant, which is taken on record.
2. Heard Sri Rohit Kumar Singh, learned counsel for the applicant, Sri Ram Raj Pandey, learned counsel for the informant and Sri Imran Khan, learned AGA, for the State.
3. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.279 of 2026, under Sections 191(2),191(3),190,131,115(2),352,117(2), 351(2) and 103(1) BNS, Police Station Baraut, District Baghpat, during pendency of the trial.
4. Learned counsel for the applicant submits that however, applicant is named in the FIR along with five others and according to the FIR due to dispute applicant and other accused persons with their respective weapons made assault upon the father of the informant due to which he sustained injuries but entire allegations levelled against the applicant are totally false.
5. He further submits that initially FIR of the present case was lodged for offence punishable under Section 109 BNS and other offences but after death of the injured, i.e, father of the informant, case has been converted for offence under Section 103(1) BNS.
6. He further argued that only general role has been assigned to all the accused and according to the prosecution all the accused, who were total

six in number badly beaten the deceased but post mortem report suggests that however, he sustained seven injuries but all the external injuries were on non-vital parts and it reflects that he died due to head injuries. It is further submitted, it further reflects that hematoma was present underneath scalp region and, therefore, even prima facie the present case does not travel beyond Section 105 BNS.

7. He further argued that along with applicant co-accused Smt. Varsha was also made accused in the present matter but with a very detailed and reasoned order she has been released on bail by this Court vide order dated 23.7.2026 passed in Criminal Misc.Bail Application No. 23347 of 2026. He next submits that however, Smt. Varsha was lady but from her bail granting order it reflects that while granting bail to her this Court also touched the merits of the case and, therefore, even on the ground of parity applicant may be enlarged on bail.

8. He further argued that applicant is not having any other criminal history and in the present matter he is in jail since 11.5.2026, i.e., for three months.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that apart from the present case applicant is having criminal history of one another case but could not dispute the other argument on facts advanced by the learned counsel for the applicant.

10. On query, they fairly conceded that unexplained case relates to minor offence.

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

12. However, applicant is named in the FIR along with five others but only general role has been assigned to all the accused.

13. Further, however, from the post mortem report it reflects that deceased sustained seven injuries but all the external injuries were on non vital part. Autopsy report also suggests that deceased died due to head injuries and considering the post mortem report it reflects that he died due to hematoma which was found underneath scalp region.

14. Considering the facts of the case, the argument advanced by the learned counsel for the applicant, cannot be completely ruled out at this stage that present case does not travel beyond Section 105 BNS.

15. Further, even co- accused Smt. Varsha, who was however, lady has been released on bail by this Court and on merit case of applicant is at par with her. Further, even from her bail granting order it reflects that while granting bail this Court also touched the merit of the case too and, therefore, applicant may also be enlarged on bail on the ground of parity.

16. Further, however, applicant is having criminal history of one another case which has not been explained by applicant in the instant bail application but considering the fact, that case relates to minor offence, in view of this Court it is not proper to withhold the bail application of the applicant merely on this ground.

17. Further, applicant is in jail in the present matter since 11.5.2026. i.e., for three months.

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

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

20. 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.

21. 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.

22. 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 10, 2026

SKM