



2026:AHC:166386

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27699 of 2026

Deepak Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anand Pati Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anand Pati Tiwari, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 253 of 2023, under Sections 302, 34 IPC, Police Station Jahangirabad, District Bulandshahr during pendency of the trial.

3. Learned counsel for the applicant submits, applicant is Deepak Kumar S/o Shyoraj Singh and he has been made accused in the FIR of the present case along with two others including one another co-accused Deepak S/o Ramesh but none could witness the real incident. He further submits, however according to the informant, he witnessed the applicant along with co-accused Deepak S/o Ramesh while they were running from the spot.

4. He further submits, all the other witnesses categorically stated that they witnessed co-accused Deepak S/o Ramesh and Sachin while they were running from the spot. He further submits, even from the statements of witnesses it reflect, before death, deceased informed them that co-accused Deepak S/o Ramesh caused injuries to him.

5. He further submits, considering the fact that applicant is Deepak Kumar S/o Shyoraj Singh during investigation his involvement was found false and no charge-sheet was filed against him but during trial he has been summoned under Section 319 Cr.P.C./358 BNSS.

6. He further submits, from the record of the case it is apparent that applicant is innocent and only because he is also having name Deepak, he has been

made accused in the present matter along with co-accused Deepak S/o Ramesh.

7. He further submits, even co-accused Sachin, who was named in the FIR along with applicant and co-accused Deepak S/o Ramesh has been released on bail by the co-ordinate Bench of this Court vide order dated 23.02.2024 passed in Criminal Misc. Bail Application No. 2034 of 2024 and case of applicant is at better footing than him as against him charge-sheet was also filed.

8. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 25.06.2026.

9. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

11. From the FIR it reflects, in the FIR along with Sachin two co-accused with the name Deepak have been made accused including applicant and applicant is Deepak Kumar S/o Shyoraj Singh.

12. Record further suggests that nobody could see the real incident however informant stated in his statement that he witnessed the applicant along with another co-accused Deepak S/o Ramesh while they were running from the spot but other witnesses did not state against applicant and they stated that co-accused Sachin along with co-accused Deepak S/o Ramesh was running from the spot.

13. Further, even from the statements of other witnesses it reflects, before death, deceased disclosed to them that co-accused Deepak S/o Ramesh caused injuries to him.

14. Record further suggests that during investigation involvement of the applicant was found false and no charge-sheet was filed against him and he has been summoned during trial under Section 319 Cr.P.C./358 BNSS.

15. Further, co-accused Sachin has been released on bail by the co-ordinate Bench of this Court and considering the fact that charge-sheet had also been filed against him, it reflects, case of applicant is at better footing than him.

16. Further, applicant is not having any criminal history and in the present matter he is in jail since 25.06.2026.

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

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

19. Let the applicant - **Deepak Kumar** 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.

20. 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.

21. 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.

August 10, 2026
AK Pandey

(Sameer Jain,J.)