



2026:AHC-LKO:40575

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4032 of 2026

Bala @ Vinod Kumar Mishra

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home U.P. Lko.

.....Opposite
Party(s)

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

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Vakalatnama filed by Shri Vijay Kumar Tiwari, Advocate on behalf of the complainant is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and learned counsel for the complainant.
3. The present bail application has been filed by the applicant in F.I.R. No. 102 of 2025, under Section 105 BNS, Police Station Itiyathok, District Gonda with the prayer to enlarge him on bail.
4. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. It is further submitted that the involvement of the applicant is found in the Mazeed statement of the complainant, which was recorded after one year of the alleged incident. It is also submitted that other co-accused persons have already been enlarged on bail. (The bail orders are annexed collectively as Annexure No. 8 to the application). It is lastly submitted that in near future, there is no possibility of conclusion of trial and the applicant, who has no criminal antecedent, is in jail since 17.05.2026. In such circumstances, applicant is entitled for bail. It is also submitted that the applicant will never misuse the liberty of bail and shall fully cooperate in the trial.
5. Learned A.G.A. as well as learned counsel for the complainant

vehemently oppose the prayer for grant of bail to the applicant and submit that involvement of the applicant was found in the incident, in which, one innocent mentally retarded person, who entered into the village at night, was beaten by the villagers including the applicant. However, they do not dispute the fact that involvement of the applicant surfaced in the mazed statement of the complainant, which was recorded after one year of the alleged incident. They also fairly concede that the other co-accused persons have already been enlarged on bail.

6. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A., learned counsel for the complainant and going through the contents of F.I.R., statements of the witnesses, bail orders of the other co-accused persons and other relevant documents, this Court is of the view that the applicant is entitled to be released on bail.

7. Application stands allowed.

8. Let applicant -Bala @ Vinod Kumar Mishra be released on bail in F.I.R. No. 102 of 2025, on his furnishing personal bond of Rs.20,000/- and two reliable sureties each of the like amount, subject to following conditions:-

(i) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 BNS.

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 BNSS may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 BNS.

(vi) The applicant shall remain present, in person, before the trial court on dates fixed for (a) opening of the case, (b) framing of charge; and (c) recording of statement under Section 351 BNSS. If in the opinion of the trial court, absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

(Rajeev Singh,J.)

June 9, 2026

VKS