



2026:AHC-LKO:42133

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4718 of 2026

Arjun Kumar And Another

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ratnesh Trivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. The present bail application has been filed by the applicants in Case Crime No. 83 of 2026, under Sections 191(2), 191(3), 190, 326(F), 109(1), 310(2), 121(1), 132, 324(5), 61(2), 126(2) BNS, Section 7 of Criminal Law Amendment Act and Section 3/4 Prevention of Damages to Public Property Act, Police Station Mailani, District Lakhimpur Kheri with the prayer to enlarge them on bail.
3. The submissions of learned counsel for the applicants are that the applicants are innocent persons and have been falsely implicated in the case. Learned counsel for the applicants submits that the F.I.R. was lodged by the police personnel. It is further submitted that the applicants were only passing through the area, where the agitation was going on, but they were taken into custody by the police on the assumption that the applicants were also supporting the agitation. Submission of the learned counsel for the applicants is that the applicants were never taken into custody by the police for the purpose of interrogation. It is lastly submitted that the investigation is still going on and the applicants, who have no criminal antecedent, are in jail since 14.04.2026. In such circumstances, applicants are entitled for bail. It is also submitted that the applicants will never misuse the liberty of bail and shall fully cooperate in the investigation. He further submitted that the identically situated co-accused namely, Neeraj and Hari Shankar, have

already been enlarged on bail by the coordinate Bench this court vide order dated 08-06-2026 passed in Criminal Misc. Bail Application No. 3921 of 2026 and the applicants are seeking parity of the same.

4. Learned A.G.A. opposes the prayer for grant of bail to the applicants and submits that without any proper permission, the applicants along with other persons were agitating on the date of incident and they also pelted stones on the police. It is also submitted that during skirmish, some police personnel received injuries.

5. Considering the rival submissions of learned counsel for applicants, learned A.G.A. and going through the contents of the application, F.I.R., rejection order dated 12.05.2026 and other relevant documents, it is evident that general allegations have been levelled on the applicants. It is also evident that the investigation is still going on and the applicants are in jail since 14.04.2026 and also considering the fact that the identically situated co-accused named above, have already been enlarged on bail, in such circumstances, this Court of the view that the applicants are entitled to be released on bail.

6. Let applicants -**Arjun Kumar and Parmeet** be released on bail in F.I.R. No. 83 of 2026, on their furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

- (i) The applicants shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.
- (ii) The applicants 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 applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date

fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 BNS.

(v) In case, the applicants misuse the liberty of bail during trial and in order to secure his presence proclamation under Section 84 BNSS may be issued and if applicants fail 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 applicants 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 applicants are 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.

7. 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.

(Shree Prakash Singh,J.)

June 25, 2026

AKS