



2026:AHC:181466

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30287 of 2026

Rohit

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rohit Kumar Singh
Counsel for Opposite Party(s)	:	Avinash Chandra Srivastava, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri A.C. Srivastava, learned Advocate, filed his power on behalf of the informant, today in the Court, which is taken on record.
2. Heard Sri Rohit Kumar Singh, learned counsel for the applicant, Sri A.C. Srivastava, learned counsel for the informant and Sri Kunwar Tejandra Bahadur, 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, 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 leveled 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 submits, as per prosecution applicant however opened fire but admittedly deceased did not sustain any firearm injury. He next submits, it is also alleged after that he also made assault from the butt of the pistol but from the post mortem report it reflects, deceased sustained injuries on his

non vital parts and considering the post mortem report of the deceased prima facie it reflects, present case does not travel beyond Section 105 BNS.

7. He further submits, apart from the present case applicant is having criminal history of two other cases but his criminal history has been explained in the instant bail application and both the cases relate to minor offence. He further submits, in the present matter applicant is in jail since 05.05.2026.

8. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, applicant appears to be prime accused who caused injuries to the deceased through butt of his country made pistol but could not dispute the fact that from the post mortem report it reflects, deceased sustained injuries on his non vital parts and considering the post mortem report prima facie it appears present case does not travel beyond Section 105 BNS.

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

10. However, it reflects, applicant is named in the FIR along with others and as per FIR he caused butt injuries to the deceased through his country made pistol but from the post mortem report it reflects, deceased sustained injuries on his non vital parts.

11. Considering the post mortem report of the deceased, this Court finds merit in the argument advanced by learned counsel for applicant that prima facie present case does not travel beyond Section 105 BNS.

12. Further, however applicant is having criminal history of two other cases but both the cases relate to minor offences.

13. Further, in the present matter applicant is in jail since 05.05.2026 i.e. for almost four months.

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

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

16. Let the applicant - Rohit 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.

17. 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.

18. 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 31, 2026
AK Pandey

(Sameer Jain,J.)