



2026:AHC-LKO:42369

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2191 of 2026

Arun Kumar

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohd. Taufiq Siddiqui, Alok Kumar
Shukla

Counsel for Opposite Party(s): G.A.

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No.232 of 2025, under sections 74, 333, 191 (2), 191 (3), 190, 115 (2), 352, 351 (3), 288, 103 (1), 3 (5) BNS, Police Station - Baghrai, District - Pratapgarh.

Contention of learned counsel for the applicant is that the applicant is innocent and has falsely been implicated in the instant matter due to ulterior motive. He submitted that the applicant is named in the first information report, but, no specific role has been attributed to him. He added that the role has been specified by the injured witnesses, wherein specific role has been attributed to the present applicant and in this way, the role of the applicant is distinguishable from the role of the other co-accused persons. He also argued that the applicant has no previous criminal history and he is languishing in jail since 24-10-2025. He next submits that the applicant undertakes that in case, he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings. Thus, submission is that the applicant may be enlarged on bail.

Per contra, learned AGA appearing for the State has opposed the contentions

aforesaid and submits that the nature of the charges are very serious and the applicant is named in the first information and therefore, he is not entitled for any relief.

Having heard learned counsels for the parties and after perusal of material placed on record, it transpires that there are as many as eight accused persons including the present applicant and they are named in the first information report, but, no specific role has been assigned to the present applicant.

This court has noticed that the injured witnesses have assigned the specific role in their statements under section 161 of Cr.P.C. and the applicant including one Ankit, have been assigned the general role of beating. The role of the present applicant is distinguishable from the role of the other co-accused persons.

This court also finds that there is no criminal history of the applicant and he is languishing in jail since 24-10-2025. The chargesheet has been filed and there seems to be no possibility of making any kind of hindrance in the investigation coupled with the fact that the applicant has undertaken that if he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail.

Let the applicant- **Arun Kumar**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation

or trial;

(2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He 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 229-A of the Indian Penal Code;

(3) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and

(4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison. It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

June 30, 2026

mks

(Shree Prakash Singh,J.)