



2026:AHC:180772

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30386 of 2026

Jagbir And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aditya Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Shri Shams Uz Zaman, Advocate filed his power on behalf of the informant which is taken on record.
2. However, alongwith the instant bail application free true copy of the bail rejection order passed by the court concerned has not been annexed but considering the explanation given in para-14 of the affidavit filed in support to the instant bail application, the instant bail application is being heard on merit.
3. Heard Sri Aditya Gupta, learned counsel for the applicant; Sri Shams Uz Zaman, learned counsel for the informant and Sri Ghanshyama Mishra, learned Brief Holder for the State-respondent.
4. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 265 of 2026, under Sections 191(2), 191(3), 131, 103(1) & 118(1) BNS, Police Station Baghpat, District Baghpat, during pendency of the trial in the court below.
5. Learned counsel for the applicants submitted that however applicants were named in the FIR alongwith others and as per allegations, they by causing injuries committed the murder of the deceased and even in the incident two persons from the side of the informant also sustained injuries but entire allegations levelled against them are totally false.
6. He further submitted that actually informant side was the real aggressor and in the incident even from the side of the applicants their three sons sustained injuries and their injury reports have been annexed alongwith the

instant bail application.

7. He further submitted that even only general role has been assigned to all the accused including applicants and post mortem report suggests that deceased sustained only two injuries and one injury was hematoma and there is no evidence on record which can suggest that applicants were the authors of these injuries.

8. He further submitted that applicants were about 70 years old and infirm person and as they were head of the family, therefore, they have also been roped in the present matter alongwith others.

9. He further submitted that however, applicant no. 1 was also accused in one another case relating to offences punishable under sections 498A, 302 IPC but he was the cousin father in law of the deceased and in trial he has been acquitted.

10. He further submitted that applicant no. 2 is lady and she is having no previous criminal history to her credit.

11. He further submitted that in the present matter, applicants are in jail since 29.4.2026.

12. Per contra, learned AGA as well as learned counsel for the informant however opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

14. However, applicants are named in the FIR but from the FIR and the statements of the witnesses it reflects, only general role has been assigned to all the accused including applicants.

15. Further, from the record it reflects, however as per prosecution due to the assault made by applicants and others one person died and two persons sustained injuries including informant of the case but it also reflects, from the side of the applicants also their three sons sustained injuries and prosecution could not explain their injuries therefore, prima facie, it appears to be a case of free fight.

16. Further, even from the post mortem report of the deceased it reflects, he

sustained two injuries, one was lacerated wound on his temporal region and second was hematoma on left temporal region and there is no evidence which can suggest that applicants were the authors of these injuries.

17. Further, even applicants appear to be about 70 years old and infirm person. Considering this fact the arguments advanced by learned counsel for the applicant that as applicants were head of the family, therefore, they have also been roped in the present matter cannot be ruled out, at this stage.

18. Further, applicant no. 1 is however also having previous criminal history of one another case relates to offence punishable under sections 498A and 302 IPC but in that case being cousin father in law of the deceased he was made accused and in that case he has been acquitted.

19. Further, applicant no. 2 is lady and she is having no previous criminal history to her credit.

20. Further, applicants are in jail in the present matter since 29.4.2026.

21. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicants are entitled to be released on bail.

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

23. Let the applicants-**Jagbir and Smt. Laxmi**, 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 applicants shall appear before the trial court on the dates fixed, unless their personal presence is exempted.

(ii) The applicants shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicants shall not indulge in any criminal and anti-social activity.

24. 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 applicants.

25. 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
Ankita

(Sameer Jain,J.)