



2026:AHC:180538

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30408 of 2026

Sanjeev Vishwakarma And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Vijit Saxena, Vineeta Yadav
Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicants, Sri Nagendra Kumar Mishra, learned Brief Holder for the State and perused the record.
2. The present bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 449 of 2026, under Sections 105, 191(2), 115(2), 352 B.N.S, Police Station- Kotwali, District- Lalitpur during pendency of the trial.
3. Counsel for the applicants submits that the applicants were not named in the first information report and have been falsely implicated in the present case. As per the allegations contained in the first information report, the named accused along with five to six unknown persons are alleged to have assaulted the son of the informant and one Nand Kishore. The son of the informant subsequently succumbed to his injuries. The injured eye witness namely, Nand Kishore did not name the applicants in his statement. The name of the applicants subsequently surfaced in the statements of witnesses namely, Ranjeet and Raghuraj Singh. It is contended that the alleged two witnesses namely, Ranjeet and Raghuraj Singh were not the eye witness to the alleged occurrence. Placing reliance upon the medical reports of Manyaver Kanshiram Joint Hospital, Lalitpur dated 21.4.2026 it

is contended that at the time of medical examination the deceased was found to be intoxicated. No prior enmity exists between the parties. The statements of witnesses namely Ranjeet and Raghuraj are afterthought and unreliable. Vague and general allegations have been levelled against the applicants. The applicants neither possessed the requisite knowledge nor had any intention to commit the alleged offence. At this stage, there is no corroborative evidence to link the applicants with the offence. The applicants are in jail since 27.4.2026 having no criminal history. In case they are enlarged on bail, they will not misuse the said liberty.

4. Learned Brief Holder for the State opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicants were not named in the first information report. As per the allegations contained in the first information report, the named accused along with five to six unknown persons are alleged to have assaulted the son of the informant and one Nand Kishore. The injured-eye witness namely Nand Kishore did not name the applicants in his statement. The name of the applicants subsequently surfaced in the statements of witnesses namely, Ranjeet and Raghuraj Singh. Vague and general allegations have been levelled against the applicants. At this stage, there is no corroborative evidence to link the applicants with the offence. The applicants have no criminal antecedents. Further the applicants have presently remained confined for more than four months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicants, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

6. Let the applicants, **Sanjeev Vishwakarma** and **Nikesh** involved in the aforesaid case be released on bail on their furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicants shall not tamper with the prosecution evidence;
- ii. the applicants shall not pressurize the prosecution witness;
- iii. the applicants shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

August 31, 2026
S.S.

(Vivek Varma,J.)