



2026:AHC:175220

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3877 of 2026

Mahendra Alias Deva And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sudhanshu Pratap Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicants and Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party.
2. The present bail application has been filed with the prayer to enlarge the applicants on bail in Case Crime No. 358 of 2025, under Section 105 B.N.S., Police Station Akbarpur, District Kanpur Dehat during the pendency of the trial.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case. The incident had occurred at the spur of moment without any premeditation. As per the first information report, in brief, the applicant no. 2 and the brother of the informant (the deceased) both were consuming liquor. During this period, a quarrel broke down between them over some issue. The applicants called his family members. They all acting in concert, brutally assaulted the brother of the informant with bricks and stones, as a result of which he sustained injuries and was taken to hospital for treatment. Subsequently, he succumbed to his injuries. As per the statement of eye witnesses, namely, Pradhan Singh and Sonpal, they saw the applicant no. 2 and the deceased, both under the influence of liquor, were fighting with each other and pelting bricks at one another. Both of them were habitual drinkers and frequently quarrel after consuming alcohol. On that day also, as usual, they were fighting with each other and after sustaining injuries, fell

unconscious on the ground covered with blood. Meanwhile, applicant no. 1 was returning from the field. The applicant no. 1 kicked the deceased two to three times. In the alleged incident the applicant no. 2 also sustained injuries. The aggressor of the alleged incident is still to be ascertained. It is next contended that the applicants neither had the requisite knowledge nor intention to commit the alleged offence. At this stage there is no corroborative evidence to link the applicants with the offence. Criminal history of the applicants has been explained in Paragraphs- 4 and 5 of the first supplementary affidavit. The applicants are in jail since 14.08.2025 and 16.08.2025 respectively and if they are released on bail, they will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court *prima facie* finds that as per the statement of eye witnesses, namely, Pradhan Singh and Sonpal, they saw the applicant no. 2 and the deceased, both under the influence of liquor, were fighting with each other and pelting bricks at one another. The aggressor of the alleged incident is still to be ascertained. At this stage there is no corroborative evidence to link the applicants with the offence. Moreover, the applicants have remained confined for almost one year and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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 delay the trial or intimidate the witness, therefore, 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- Mahendra alias Deva and Devnath, involved in the aforesaid case, be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that they:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

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 19, 2026
SKT/-

(Vivek Varma,J.)