



2026:AHC:177766

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5167 of 2026

Manoj

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ankit Sharma, Ganga Bhushan Mishra
Counsel for Opposite Party(s) : G.A., Shiv Kumar Singh

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Counter affidavit filed by the informant and rejoinder affidavit filed by the applicant are taken on record.
2. Heard Sri Ganga Bhushan Mishra, learned counsel for the applicant, Sri Rajesh Kumar Sharma, advocate holding brief of Sriv Shiv Kumar Singh, learned counsel for the informant and Sri Ashutosh Singh, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.05 of 2025, under Sections 191(2), 191(3), 190, 126(2), 352, 351(3), 103(2) BNS, Police Station Lahchura, District Jhansi, during pendency of the trial.
4. Learned counsel for the applicant submits, however applicant is named in the FIR alongwith seven others and as per allegation he alongwith other accused made assault due to which deceased sustained injuries and died but entire allegations levelled against the applicant are totally false.
5. He next submits, even from the FIR and the statements of witnesses it reflects, only general role has been assigned by them to all the accused.
6. He further argued, co-accused Baladeen, Amol, Neeraj, Lal Lal and Mithyo who were also named in the FIR alongwith applicant have been released on bail by co-ordinate Bench of this Court and from the FIR and statements of witnesses recorded during investigation case of applicant is

at par with them.

7. He further argued, however informant approached the Apex Court against bail granting order passed in case of co-accused Neeraj in SLP (Crl) No.4875 of 2026 but the Apex Court did not cancel the bail granted to co-accused Neeraj. He further argued, however bail application of co-accused Suresh Rai has been dismissed by another co-ordinate Bench of this Court but law is settled that there can be no parity of any bail rejection order.

8. He further argued, however apart from the present case applicant is having criminal history of two other cases but both the cases related to minor offences and in the present matter he is in jail since 24.01.2025 i.e. for last more than one and half year.

9. He further submits, therefore considering the facts of the case applicant may be enlarged on bail.

10. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submit, applicant is named in the FIR alongwith others and however from the FIR and the statements of witnesses it reflect, only general role has been assigned to all the accused who were total 8 in number but deceased sustained as many as 10 injuries therefore prima facie it cannot be said that it is a case of over implication. They further submit, even there is video statement of deceased from perusal of which it reflects, before death deceased disclosed the name of applicant, Mithyo and Lal Lal therefore from the video statement of the deceased it reflects, case of applicant is distinguishable from the co-accused who were enlarged on bail by co-ordinate Bench of this Court.

11. They further submit, however bail granting order passed by co-ordinate bench in case of co-accused Neeraj has not been disturbed by the Apex Court but while disposing the SLP filed by the informant Apex Court observed that we do not approve the line of reasoning assigned by the High Court while granting bail to co-accused Neeraj and therefore even on the above ground applicant should not be released on bail.

12. They further submit, therefore instant bail application may be

dismissed.

13. 8. I have heard both the parties and perused the record of the case.

14. Applicant is named in the FIR and as per allegation he alongwith several others badly beaten the deceased due to which he died.

15. Further, from the FIR and the statements of witnesses however it reflect, only general role has been assigned to all the accused but postmortem report suggests, deceased sustained as many as 10 injuries and therefore prima facie it cannot be said that it is a case of over implication.

16. Further, even bail application of co-accused Suresh Rai who was also named in the FIR alongwith applicant has been dismissed by co-ordinate Bench of this Court.

17. Further, however bail applications of co-accused Baladeen, Amol and Neeraj were allowed by another co-ordinate Bench of this Court and against the bail granting order passed in the case of co-accused Neeraj when informant approached the Apex Court in SLP (Crl) then however Apex Court did not cancel his bail but categorically observed in its order dated 29.05.2026 that we are not satisfied with the reasoning given by High Court while enlarging the co-accused Neeraj on bail.

18. Further, even from the record it reflects, there is video statement of the deceased which was recorded before his death and from its extract which was noted by the investigating officer in the case diary it reflects, he disclosed the name of applicant and co-accused Lal Lal and Mithyo and stated, they made assault upon him and even according to him applicant was having motive to commit his murder.

19. Further, however it reflects, even co-accused Mithyo and Lal Lal have also been released on bail by co-ordinate Bench of this Court but in the light of the order passed by the Apex Court dated 29.05.2026 in SLP (Crl) filed by the informant against the bail granting order of co-accused Neeraj, in considered view of this Court, it is not proper to release the applicant on bail on this ground as the Apex Court categorically observed

that we are not satisfied with the reasoning given by the High Court while granting bail to co-accused Neeraj.

20. Therefore, considering the facts and circumstances of the case discussed above, in view of this Court, applicant is not entitled to be released on bail.

21. Accordingly, instant bail application stands **dismissed**.

22. 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.

(Sameer Jain,J.)

August 21, 2026

Shahroz