



2026:AHC-LKO:41295

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4233 of 2026

Braj Kishor

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Civil Sect.
Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anil Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 11

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Anil Kumar Singh, learned counsel for the applicant, Smt. Ranjana Srivastava, learned Additional Government Advocate for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.78 of 2026, under Sections 3(5), 115(2), 352, 351(3), 105 B.N.S., registered at Police Station Sandi, District Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.03.2026 against five persons including the applicant and his two sons stating that while the complainant and his family members were sitting in front of their house, the accused persons came there and started abusing them because of animosity relating to use of chakroad. When the informant objected, all the accused persons beat up the informant, his brother, father and mother, causing injuries to them. The informant's father succumbed to his injuries on the same day after lodging the F.I.R.
4. The postmortem examination report mentions a stitched wound of size 5 cm. along with seven stitches on the left side of head, a contusion of size 12cmX8cm on left side of head, a contusion of size 6cmX4cm on back side of head, a lacerated wound of size 3cmX1cm on right arm. Left temporal and perital bones were found fractured. The cause of death was opined to be coma as a result of ante mortem head injury. Three more persons have suffered injuries in the

incident which were simple in nature.

5. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present. The applicant's involvement in S.T.No.617 of 1985, arising out of Case Crime No.63 of 1985, under Sections 147, 148, 149, 302, 323, 325 I.P.C. Police Station Sandi, District Hardoi has been disclosed in para 21 of affidavit filed in support of the bail application, in which he has been granted bail by this Court. It has further been stated that an F.I.R. No.79 of 2026 with regard to the same incident was lodged from the side of the applicant also and the applicant's son in law Pravesh Kumar has received injuries in the incident. His injury report mentions a head injury with a large lacerated wound on fronto perito temporal region on left side of head and a blunt injury on right leg.

6. In the affidavit filed in support of the application it has been stated that the applicant is an old person aged 78 years, he is not in a position to wield the stick, he himself surrendered before the trial court on 26.03.2026 and he has undertaken not to misuse the liberty of bail.

7. The learned Additional Government Advocate appearing on behalf of the State has opposed the prayer for bail and he has submitted that the allegations against the applicant has been established during investigation and a charge sheet has been submitted on 18.05.2026.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. levels general allegations against all the accused persons and no specific allegation has been levelled against the applicant; that an F.I.R. of the incident has been lodged from the applicant's side also and the applicant son in law has received injuries in the incident; that the applicant is a 70 years old person who has himself surrendered to custody and he is languishing in jail since 26.03.2026 and the investigation already stands concluded and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant-Braj Kishor** 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 magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court, unless his appearance is exempted by the learned trial court.

June 17, 2026

Ram.

(Subhash Vidyarthi,J.)