



2026:AHC-LKO:40209

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 3909 of 2026

Manoj @ Kallu

.....Applicant(s)

Versus

State Of U.P. Thru. Secy. Home Deptt. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Vineet Kumar Mishra, Rajeev Kumar Bajpai
Counsel for Opposite Party(s) : G.A.

Court No. - 12

HON'BLE ZAFEER AHMAD, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. This is first bail application filed on behalf of the applicant who is involved in Crime No. 159 of 2021, under Section 302 I.P.C. police station Majhila, district Hardoi.
3. Learned counsel for the applicant submits that the F.I.R. was initially lodged as case crime no. 159 of 2021 under Section 307 and 34 I.P.C., police station Majhila, district Hardoi wherein the applicant was granted bail by this Court in Crl. Misc. Bail Application No. 11527 of 2022 vide order dated 1.8.2024. The applicant remained in jail for about three years. He further submits that after the death of the injured the case was converted under Section 302 I.P.C. on the application moved under Section 216 Cr.P.C. and the applicant was again sent to jail on 15.3.2026 and since then he is in jail. The total period of incarceration is more than three years.
4. Learned counsel for the applicant submits that the incident occurred on 5.5.2021 and the injured died on 26.5.2022 i.e. after one year 22 days of the incident. He further submits that there is nothing on record which indicates that due to gun shot injury the injured died after 1 year and 22 days of the incident. He further submits that as per the post mortem

report, two injuries were found on the body of the deceased but the same does not indicate that the deceased died due to the said injuries. The injuries are extracted below :-

(i) A bed sore present on sacral region(lower part of back) in area of 15 cm X 13 cm bone deep scum bone exposed pus.

(ii) Infected wound present on outer aspect of right ankle joint of size 4 c.m. X 3 c.m. and left ankle joint outer aspect of size 3 c.m. X 0.5 c.m. swelling and pus present on both wound.

5. Learned counsel for the applicant further submits that the criminal history of the applicant has been explained in para 20 of the bail application. He also submits that the applicant is in jail since 15.3.2026 and he has no criminal history. Learned counsel also submits that in case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

6. Learned A.G.A. has opposed the prayer for bail but could not dispute the aforesaid facts as argued by learned counsel for the applicant.

7. Having considered the submissions of learned counsel for the parties, the fact that the applicant remained in jail more than three years, the injured died after 1 year and 22 days of the incident, the postmortem injuries do not suggest that the applicant has died due to the said injuries and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail.

8. Accordingly, the bail application is allowed.

9. Let the applicant Manoj @ Kallu involved in crime no. 159 of 2021 under Section 307 and 34 I.P.C., police station Majhila, district Hardoi be released on bail on his furnishing a personal bond and two sureties in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

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

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him in accordance with law.

(vi) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 B.N.S.S. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of B.N.S.

10. It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Zafeer Ahmad,J.)

June 4, 2026

kanhaiya