



2026:AHC:129158

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10799 of 2026

Akash Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Amar Nath Tiwari, Brij Lal Shukla,
Mukul Yadav, Rajesh Yadav
Counsel for Opposite Party(s) : G.A., Shiv Sagar Singh

Court No. - 69

HON'BLE SANTOSH RAI, J.

1. Supplementary affidavit filed today in court is taken on record.
2. Heard Shri Rajesh Yadav, learned counsel for the applicant, Shri Mayank Upadhyay, Advocate holding brief of Shri Shiv Sagar Singh, learned counsel for the informant, learned AGA for the State-respondent and perused the record.
3. This bail application has been moved on behalf of accused-applicant, **Akash Yadav** seeking enlargement on bail in Case Crime No.611 of 2025 under Sections 109, 191(2), 333, 115(2), 352 and 351(3) BNS, P.S.- Bansgaon, District- Gorakhpur, during pendency of trial.
4. Tersely, as per the prosecution version, the accused-applicant and six other co-accused persons have caused injury to the injured persons.
5. Learned counsel for the applicant submits that the accused-applicant has not committed any offence as alleged in the FIR. He further submits that no specific or distinct role of the accused-applicant has been assigned either in the FIR or in the statement of the injured persons and only common and general role has been assigned to all the accused persons regarding causing injury. Furthermore, eight persons have sustained injury in this incident but all the injuries are simple in nature except the injury sustained by Mamta and Kunjbihari, who have sustained closed fractures on their head area. He further submits that in the statements of the injured Mamta and Kunjbihari, no specific and distinct role of the

accused-applicant has been assigned rather common role of accused-applicant Akash Yadav and Ajeet Yadav has been assigned regarding causing injury to the injured persons. He further submits that chargesheet has been filed against both the accused-applicant Akash Yadav and co-accused Ajeet Yadav under Section 109 BNS. Furthermore, the accused-applicant has no criminal history and is in jail since 24.11.2025. Furthermore, as per submission of learned AGA, chargesheet has already been filed in this case. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned A.G.A. and learned counsel for the informant have opposed the prayer for bail of the applicant and submits that prayer for bail of the co-accused Ajeet Yadav has already been rejected by a Coordinate Bench of this court vide order dated 08.04.2026. They further contended that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail.

7. Having considered the submissions that though the accused-applicant along with six other co-accused persons are named in the FIR but no specific or distinct role of the accused-applicant has been assigned either in the FIR or in the statement of the injured persons and only common and general role has been assigned to all the accused persons regarding causing injury. Eight persons have sustained injury in this incident but all the injuries are simple in nature except the injury sustained by Mamta and Kunjbihari but in the statements of the injured Mamta and Kunjbihari, no specific and distinct role of the accused-applicant has been assigned rather common role of accused-applicant Akash Yadav and Ajeet Yadav has been assigned. As per the submission of learned counsel for the applicant, chargesheet has been filed against both the accused-applicant Akash Yadav and co-accused Ajeet Yadav under Section 109 BNS. As per submission of learned AGA, chargesheet has already been filed in this case and, therefore, there is no reasonable possibility of intimidating and pressurizing the prosecution witnesses. Accused-applicant has no criminal

history and is in jail since 24.11.2025 and keeping in view the uncertainty regarding conclusion of trial, larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of ***Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677***, dictum of Apex Court in ***Union of India vs. K.A. Najeeb (2021) 3 SCC 713 & Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51*** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) 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.
- (iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.
- (iv) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement of accused personally to explain circumstances appearing in the evidence against him.
- (v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

9. Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

(Santosh Rai,J.)

June 25, 2026

Ankit.