



2026:AHC-LKO:42315

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4913 of 2026

Aakash

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shishir Pradhan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

Shri Dharmendra Trivedi has filed his Vakalatnama on behalf of complainant, which is taken on record.

Heard learned counsel for the applicant, learned A.G.A.-I for the State as well as counsel for the complainant and perused the material placed on record.

Instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No. 121 of 2026, under Sections 105, 115(2), 351(3), 352 of B.N.S., Police Station Bhadokhar, District Raebareli.

Learned counsel appearing for the applicant submits that the applicant is innocent and has falsely been planted by the police in the instant matter. He next submitted that the allegation against the applicant is that there was scuffle between the parties and the 80 years age of mother of the complainant has got head injury, resulted into death in three days. He next submitted that there can be no stretch of intent or knowledge that death would be caused in case a person fell down. He next added that the statement under Section 161 Cr.P.C. of the informant is enough to show that after the deceased was dashed down, she died after three days. Deceased was having 80 years of age and because of old age injury, she died. He next added that Section 302 IPC do not attract in the present case. He next submitted that the applicant has no criminal history and he is languishing in jail since 09.05.2026. He next submits that in case, the applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

On the other hand counsel for the complainant has opposed the prayer of bail and submits that because of head injury the deceased had died, as such the applicant is solely responsible for that. He submits that the incident has taken place wherein the deceased was beaten by the applicant which resulted into death. Thus ;submission is that the applicant is not entitled for bail.

Learned counsel for the State has also supported the version of counsel for the complainant.

Upon considering the submissions of learned counsel for the parties and after perusal of record, it reveals that the deceased is 80 years of age and she fell down and received head injury. This Court do not find any reason which could show that there was knowledge to the applicant that after falling down it would be resulted into death; the applicant has no previous criminal history and in jail since 09.05.2026.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a case of bail.

Let the applicant- **Aakash**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- (1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;
- (2) 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. He 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 under Section 229-A of the Indian Penal Code;
- (3) 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 under Section 313 Cr.P.C.; and
- (4) In case, the applicant misuses the liberty of bail during trial and in order

to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

June 30, 2026

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(Shree Prakash Singh,J.)