



2026:AHC-LKO:41407

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4101 of 2026

Chanda

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Bhagwati Prasad Nigam, Anurag Shukla

Counsel for Opposite Party(s): G.A.

Court No. - 11

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri B.P. Nigam, learned counsel for the applicant, Sri Bhanu Pratap Singh, learned Additional Government Advocate-I 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.101 of 2026, under Sections 105, 115(2), 351(3), 352 B.N.S., registered at Police Station Kasimpur, District Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.03.2026 alleging that the applicant and his son in law were in an inebriated condition and they had beaten up the complainant's husband at about 5.30 p.m. on 15.03.2026 with kicks, fists and sticks due to which he suffered internal injuries and his condition became serious. The victim died on 16.03.2026 and his postmortem examination report mentions a solitary injury of a contusion of size 12cm.X6cm. present on the back of head on occipital region. Ecchymosis was present underneath the injury. The cause of death has been opined to be coma as a result of ante mortem head injury.
4. In the affidavit filed in support of bail application it has been stated that the applicant is a 70 years old person, he is innocent, he has been falsely implicated in the present case and he has no criminal history. It has further been stated in the affidavit that the deceased himself had consumed liquor and thereafter he was abusing the passersby. Some unknown passerby assaulted him due to which he

suffered a head injury.

5. A supplementary affidavit has been filed annexing therewith copies of statements recorded by the Investigating Officer. The complainant stated that her husband was accompanied by the informant's son at the time of incident. The accused persons started beating her husband and her son got frightened and ran home. Thereafter, the complainant and other persons brought the victim home. When his condition deteriorated he was taken to the police station on the following day and thereafter he was sent to the Community Health Centre from where he was referred to the Trauma Centre, Lucknow, where he died during treatment in the night of 16.03.2026.

6. Two alleged eye witnesses have supported the F.I.R. version.

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 30.04.2026.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the allegations of beating with kicks, fists and sticks by two persons is prima facie not supported by the postmortem examination report which mentions a solitary injury on the back of head; that the aforesaid solitary injury can also be caused by mere fall backwards; that the deceased's son is said to be accompanying him at the time of incident and his statement has not been recorded by the Investigating Officer; that the applicant is a 70 years old person having no previous criminal history and he is languishing in jail since 20.03.2026 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**-Chanda 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 18, 2026
Ram.

(Subhash Vidyarthi,J.)