



2026:AHC:20924

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 2896 of 2026

Vipin Gautam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Himanshu Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE NALIN KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the applicant as well as learned A.G.A for the State and perused the record.

2. Applicant seeks bail in Case Crime No.556 of 2025, under Sections 191(2), 191(3), 103(1), 125 B.N.S., Police Station - Jait, District - Mathura, during the pendency of trial.

3. As per prosecution story, the applicant and other accused persons are stated to have been involved in brick-batting over the house of the deceased person leading to the death of daughter of the informant and injuring the mother of the informant Saroj on 22.10.2025 at about 10:30 p.m.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. The FIR is delayed by about seven hours and there is no explanation of the said delay caused. Learned counsel for the applicant has further stated that there are general and omnibus allegations against all the accused persons, as such, it cannot be ascertained as to who is the author of the injuries caused to the deceased person. As such, the applicant is entitled for bail. It is further argued that identically placed co-accused Kapil has been granted bail by the coordinate Bench of this Court vide order dated 9.1.2026 passed in Criminal Misc. Bail Application No.45041 of 2025. The role of the applicant is not distinguishable with the role of co-accused, therefore, the applicant is also entitled for bail on the ground of parity. It is further submitted that the criminal history of the applicant has been explained. The applicant is languishing in jail since 17.12.2025 and he is ready to cooperate with the trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

5. On the other hand, learned A.G.A. opposed the prayer for bail.

6. The identically placed co-accused has already been released on bail by this Court. Hence, keeping in view the nature of the offence, evidence, complicity of accused, severity of punishment, submissions of the learned counsel for the parties, the dictum of Apex Court in the case of **Dataram Singh vs. State of U.P. and another, (2018) 3 SCC 22** and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

7. Let the applicant **Vipin Gautam** involved in Case Crime No.556 of 2025, under Sections 191(2), 191(3), 103(1), 125 B.N.S., Police Station - Jait, District - Mathura be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(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 will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). 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.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

January 29, 2026

SS

(Nalin Kumar Srivastava,J.)