



2026:AHC:18051

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30335 of 2024

Pradeep

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Satya Prakash Singh, Satyendra
Narayan Singh, Vipul Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Vipul Kumar Singh, learned counsel for the applicant and Sri Sunil Kumar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 29 of 2024, under Sections 307, 504, 34, 302 of IPC, Police Station - Nizamabad, District - Azamgarh**, during the pendency of trial.
4. As per the prosecution story, the applicant along with other co-accused persons is alleged to have been involved in an altercation on 17.01.2024 at about 09:00 P.M. over the issue of putting down sand and watering. It is alleged that the accused persons were armed with sharp-edged weapons and hard and blunt objects.
5. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by about four hours and there is no explanation of the said delay caused.
6. Learned counsel further submits that the FIR contains general and omnibus allegations against all the accused persons. Subsequently, the

role of the applicant has been sought to be distinguished by the informant and other witnesses as an afterthought. It is alleged that the informant, injured witnesses, and two so-called eye-witnesses have later implicated the applicant as the person who inflicted injuries upon the deceased with a sharp-edged weapon. Had this allegation been true, the name of the applicant along with the specific role of carrying and using a sharp-edged weapon would have found place in the FIR itself. The subsequent improvement in the prosecution story seriously undermines its credibility.

7. Learned counsel has next contended that the applicant is languishing in jail since 19.01.2024, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned AGA has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

9. Considering the facts and circumstances of the case, the submissions advanced by learned counsel for the parties, the nature of the offence, severity of the punishment, the delay in lodging the FIR, and also taking into account that the FIR contains general and omnibus allegations against all the accused persons coupled by the fact that the allegations of inflicting injuries by a sharp-edged weapon has been assigned to the applicant subsequently, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Pradeep**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 27, 2026
Siddhant