



2026:AHC:15658

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18199 of 2025

Lavkush

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Chandra Dutt, Sharique Ahmed
Counsel for Opposite Party(s) : G.A., Vijai Kumar Srivastava, Yogesh
Krishna Mishra

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today is taken on record.
2. Heard Sri Sharique Ahmed, learned counsel for the applicant, Sri Yogesh Krishna Mishra, learned counsel for the informant, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.297 of 2024, under Sections 147, 328, 302, 420, 467, 120B, 504, 506 I.P.C., Police Station Maharajpur, District Kanpur Nagar, during the pendency of trial.
4. Learned counsel for the applicant has stated that the applicant has been made an accused on the basis of suspicion only, as the deceased person was an unmarried person; in addition to it, he was deaf and dumb, as such, neither could he talk nor could he hear anything. The said allegations are per se false, as the application under Section 156(3) Cr.P.C. moved by the informant was dismissed. Subsequently, a revision was filed by the informant, and the said revision was also dismissed. The said exercise was repeated again, and in the meantime, the viscera report was received, and as such, the third application moved under Section 156(3) Cr.P.C. was allowed by the Magistrate concerned, and the applicant was summoned. He is facing trial.
5. Learned counsel for the applicant has further argued that the FIR itself is delayed by about three years. There is no criminal history of the applicant.

The applicant is languishing in jail since 13.12.2024, as such, the period of incarceration is more than one year. He is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that it has come up in the statements of the independent witness Shyam Singh and maternal uncle of the deceased, Arun Kumar Kushwaha, that they found the face of the deceased person turn blue, which indicates that he was forcibly administered some poisonous material.

7. Learned counsel for the informant has further stated that the cause of death could not be ascertained, and the viscera was preserved and organochloro insecticide poison was found in it. As such, the applicant is not entitled to bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in institution of FIR and the fact that the trial is not moving ahead as only the charge has been framed till date, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Lavkush**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

11. 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 21, 2026
(Ravi Kant)