



2026:AHC:1051

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 45410 of 2025

Prempal And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Ashvani Kumar Tiwari
Counsel for Opposite Party(s)	: G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Ashvani Kumar Tiwari, learned counsel for the applicants and Sri R.P. Patel, learned State Law Officer and also perused the material placed on record.
3. Applicants seek bail in **Case Crime No. 0523 of 2025, under Sections 103(1), 115(2), 3(5) of BNS, Police Station - Surajpur, District - Gautam Buddha Nagar**, during the pendency of trial.
4. As per prosecution story, the applicants along with two other named accused persons and some unknown persons is stated to have assaulted and caused injuries to one Neta (now deceased) and some other persons on 09.09.2025 at about 00:30 hours.
5. Learned counsel for the applicants has argued that it is a clear cut case of false implication as the deceased sustained simple injuries and the cause of death is found to be cardiogenic shock due to myocardial infarction, as such, it was a natural death.
6. It is also argued by learned counsel that one person has sustained injuries from the side of the applicants also. The instant FIR has been instituted by S.I. Anil Kumar although the FIR from the side of applicants was instituted prior to the instant FIR which was registered as FIR No. 522 of 2025. Since there being a cross-version to the instant case, at this point of time it cannot be ascertained as to which party was the aggressor one.

7. Learned counsel has next contended that the applicants are languishing in jail since 11.09.2025, having no criminal history to their credit. In case, the applicants are released on bail, they will not misuse the liberty of bail and shall cooperate with trial.

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

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also there being a cross-version to the instant case, at this point of time it cannot be ascertained as to which party was the aggressor one, *prima facie*, I find it a fit case to release the applicants on bail. The bail application is **allowed**.

10. Let the applicants- **Prempal** and **Gaurav**, who are involved in aforementioned case crime be released on bail on their 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 applicants will not tamper with the evidence during trial.
- ii) The applicants will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicants 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 applicants shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

January 5, 2026
Siddhant

(Krishan Pahal,J.)