



2026:AHC:14751

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2073 of 2026

Waseem And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Krishna Kant Dubey, Santosh Kumar Dubey

Counsel for Opposite Party(s) : G.A., Sikandar Khan

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Krishna Kant Dubey, learned counsel for the applicants, Sri S.M. Faraz Kazmi, learned Advocate holding brief for Sri Sikandar Khan, as well as Sri J.K. Chaurasia, learned State Law Officer and perused the material placed on record.
3. Applicants seek bail in Case Crime No. 760 of 2025, under Sections 191(2), 191(3), 190, 115(2), 351(2), 103(1), 109(1) BNS, Police Station Khurja Nagar, District Bulandshahar, during the pendency of trial.
4. As per prosecution story, the applicants alongwith eighteen other named accused persons, are stated to have assaulted and caused injuries to the informant and five other persons, of which, one Dilshan had succumbed to the injuries sustained.
5. Learned counsel for the applicants has argued that the applicants are absolutely innocent and have been falsely implicated in the present case. The FIR is delayed by more than six hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicants has further argued that the allegations are *per se* false, as of the nineteen named accused persons, the final report (charge sheet) has been filed against twelve accused persons only. There are general and omnibus allegations against all the accused persons. It is true

that the injured persons have sustained lacerated wound but as far as their statements are concerned, they have not assigned any particular role to any of the accused persons.

7. There is no criminal history of the applicants. The applicants are languishing in jail since 23.8.2025 and they are ready to cooperate with trial. In case, the applicants are released on bail, they will not misuse the liberty of bail.

8. Learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application on the ground that the applicants have not annexed the CT scan report of the injured person Razzaq. The case is quite serious, as it stands established by the fact that five injured persons have sustained grievous injuries and one of them succumbed to the injuries, as such, the applicant is not entitled for bail.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that there are general and omnibus allegations against all the accused persons and without expressing any opinion on the merits of the case, *prima facie*, the Court is of the view that the applicants have made out a case for bail. The bail application is **allowed**.

10. Let the applicants- **Waseem and Sahrukh**, who are involved in aforementioned case crime be released on bail on 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 shall not tamper with evidence during trial.

(ii) The applicants shall not pressurise/intimidate with the prosecution witnesses.

(iii) The applicants shall 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.

(Krishan Pahal,J.)

January 21, 2026

Shalini