



2026:AHC:16060

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2329 of 2026

Mayank Tripathi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raghuvansh Misra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Raghuvansh Misra, learned counsel for the applicant, Sri Saumitra Dwivedi, learned counsel for the informant as well as Sri R.P. Singh, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 70 of 2025, under Sections 103(1), 109(1), 190, 191(2), 191(3), 351(3) BNS And 3/25 Arms Act, Police Station Sajeti, District Kanpur Nagar, during the pendency of trial.
4. As per prosecution story, the applicant and five other co-accused persons are stated to have caused gunshot injury to the nephew of the informant Ravi Yadav and thereupon they dragged him to the house of the applicant and again shot him twice.
5. 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.
6. It is further stated that the story as narrated by the informant that applicant and other co-accused persons dragged the deceased person inside the house stands falsified from the inquest report as well as from the fact that no blood stains or mark were found inside the premises of the house of the applicant. Rather, the premise is outside the house of the applicant.
7. Learned counsel has further stated that there is a serious anomaly in the

inquest report as it is stated that the information at the police station was received on 19.2.2025 at 18.11 hours. The inquest report does not bear the case crime number, which implies that the FIR is anti-time. The FIR was registered at the same time, as such, there is no time of starting the inquest report mentioned by the investigating officer, while he has completed the inquest proceedings on 20.2.2025 at 9.30 am. The said fact that the FIR was not existing at the time of the completion of the inquest report finds established by the list of annexures mentioned in the inquest report, whereby the FIR has not been attached.

8. Learned counsel has further stated that the said version of FIR has been reiterated by all the relative witnesses of the deceased person. Subsequently, two independent witnesses were garnered by the prosecution namely, Rahul and Lal Singh and they have also supported the version of the other eye-witnesses. As per the story narrated by the eye-witnesses and the FIR, there were three fire shots while the post-mortem report does not match with the said allegations made in the FIR, as only one gunshot injury has been found on the body of the deceased person, i.e., lacerated wound present over the left side of forehead, 6.5cm above left maxillary prominence of face.

9. There is no criminal history of the applicant. The applicant is languishing in jail since 20.2.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

10. Learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

11. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the anomaly in the inquest report, whereby the case crime number does not find mention, and the post-mortem report, which indicates only one gunshot injury, while other injuries are abrasions only, thereby falsifying the allegations made in the FIR 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**.

12. Let the applicant- **Mayank Tripathi**, 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.

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

14. 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 22, 2026
Shalini