



2026:AHC:16447

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 847 of 2026

Rajveer

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pankaj Kumar Shukla
Counsel for Opposite Party(s)	:	G.A., Vinayak Varma

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Pankaj Kumar Shukla, learned counsel for the applicant, Sri Vinayak Varma, learned counsel for the informant, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.434 of 2025, under Section 103(1) B.N.S., Police Station Jhijnjhana, District Shamli, during the pendency of trial.
4. As per prosecution story, on 29.08.2025 at about 5:00 p.m., the applicant and other co-accused persons are stated to have assaulted the son of the informant at a local dhaba and forcibly took him towards the road, whereupon the deceased somehow escaped from their clutches and clung to a running pickup vehicle.
5. The applicant and other co-accused persons followed him and forcibly made him fall from the said pickup vehicle, whereby his head is stated to have hit the road, and he died subsequently.
6. Learned counsel for the applicant has argued that the the FIR is delayed by about nineteen hours and there is no explanation of the said delay caused. The eye-witnesses have been roped in subsequently and one of the star witness Munavvar, who happens to be the employee in the hotel of Nishant,

had also corroborated the story but has not nominated the applicant. The allegations against all the accused persons are vague.

7. Learned counsel for the applicant has further argued that the injuries as find mentioned in the post-mortem report are five in number. Two of them are lacerated wounds, which are on the vital part of the body. The inquest report indicated that the deceased had expired in an accident. The said fact falsifies the prosecution story as mentioned in the FIR. The inquest report was prepared well before the institution of FIR. The inquest proceedings were complete on 30.08.2025 at 08:20 a.m. There is no criminal history of the applicant. The applicant is languishing in jail since 31.08.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that there are four eye-witnesses who have categorically reiterated the allegations made in the FIR, 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 delay in institution of FIR and the fact that the inquest report mentioned that it was an accidental injury, 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**.

10. Let the applicant- **Rajveer**, 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.

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 22, 2026

(Ravi Kant)