



2026:AHC:17881

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 1214 of 2026

Shivam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Akash Mishra
Counsel for Opposite Party(s)	:	G.A., Gaurav Tripathi

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Akash Mishra, learned counsel for the applicant and Sri Gaurav Tripathi, learned counsel for the informant as well as Sri R.P. Patel, learned State Law Officer and perused the record.
3. Applicant seeks bail in Case Crime No. 42 of 2025, under Sections 190(2), 191(2), 191(3), 103(1), 109, 115(2), 352, 351(3) of BNS, Police Station - Bithauli, District - Etawah, during the pendency of trial.
4. As per prosecution story, on 04.11.2025 at about 04:00 P.M., the applicant, along with four named accused persons and two unknown persons, is alleged to have caused injuries to four persons in all, out of whom one succumbed to the injuries, while three injured persons survived.
5. Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The FIR is delayed by about 18 hours and there is no explanation of the said delay caused.
6. Learned counsel has further submitted that there are only general and omnibus allegations against all the accused persons. The deceased did not sustain any injury caused by a hard and blunt object. The applicant has been assigned the role of carrying an iron rod, which is stated to have been recovered at his pointing out. The applicant is not alleged to be the author of the incised injury sustained by the deceased, as such, he is entitled to be enlarged on bail.

7. Learned counsel has further contended that the applicant is languishing in jail since 13.11.2025, having no criminal history to his credit and deserves to be released on bail. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned counsel for the informant as well as the learned State Law Officer have vehemently opposed the bail application on the ground that the deceased had sustained multiple contusions on the forehead, and that the other injured persons had also sustained several contusions and lacerated wounds, as such, looking to the nature and gravity of the injuries, the applicant is not entitled to be released on bail.

9. Learned counsel for the informant has further argued that it was the paramount duty of the informant to first rush the injured persons to the hospital in order to save their lives and thereafter lodge the FIR. Hence, the delay, if any, in lodging the FIR is natural, justified, and does not adversely affect the prosecution case.

10. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties and taking into consideration the fact that the applicant is not named in the FIR and the injuries also corroborates the prosecution story, I do not find it a fit case to release the applicant on bail.

11. The bail application is, accordingly, **rejected**.

12. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Supreme Court in the cases of **Vinod Kumar vs. State of Punjab 2015 (3) SCC 220** and **Hussain and Another vs. Union of India (2017) 5 SCC 702**, if there is no legal impediment.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

January 27, 2026
Siddhant

(Krishan Pahal,J.)