



2026:AHC:13442

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1613 of 2026

Abhishek Soni

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dinesh Kumar, Vikas Kumar Ojha
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Dinesh Kumar, learned counsel for the applicant, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.285 of 2025, under Sections 103(1), 61(2) B.N.S. and 4/25 Arms Act, Police Station- Karchhana, District- Prayagraj, during the pendency of trial.
4. 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. The FIR is delayed by about five hours and there is no explanation of the said delay caused.
5. Learned counsel for the applicant has further stated that there is no motive assigned to the applicant. The motive, if any, was carried by co-accused Abhay Kumar Pathak, who is stated to be the main perpetrator of the crime and stabbed the deceased with the knife he was carrying. The applicant is stated to be one of the members of unlawful assembly. As such, the role of the applicant is at different footing to that of the said co-accused person.
6. It is further argued by learned counsel for the applicant that even the name of the applicant has wrongly been transcribed in the FIR as Ashutosh Soni while his name is Abhishek Soni. There is no criminal antecedent of the

applicant. The applicant is languishing in jail since 12.9.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned State Law Officer has vehemently opposed the bail application.

8. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

9. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51.***

10. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 INSC 595***, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

11. Learned A.G.A./State Law Officer could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

12. 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 coupled by the fact that the role of assault to the deceased person with knife has been assigned to co-accused person Abhay Kumar Pathak and there is no motive assigned to the applicant, and without expressing any opinion on the merits of the case, *prima faice*, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

13. Let the applicant- **Abhishek Soni**, 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 pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

15. 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 20, 2026
Vikas Verma