



2026:AHC:13520

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1583 of 2026

Amarjeet Vishwakarma

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Manoj Tripathi, Santosh Kumar Singh
Paliwal Yadav

Counsel for Opposite Party(s) : G.A., Rajeev Kumar Singh

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Vipin Kumar Singh, Advocate holding brief of Sri Manoj Tripathi, learned counsel for the applicant, Sri Rajeev Kumar Singh, learned counsel for the informant as well as Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.541 of 2025, under Sections 191(2), 109, 117(2), 131, 351(2), 103(1), 115(2), 352 B.N.S., Police Station- Sahjanwa, District- Gorakhpur, during the pendency of trial.

PROSECUTION STORY:

4. The applicant alongwith five other named accused persons and some unknown persons is stated to have assaulted and caused injuries to four persons in all of which one Rajat Singh succumbed to the injuries subsequently. The three injured persons are Sonu, Monu and Chandu in the incident dated 11.10.2025 at about 10:30 a.m.

ARGUMENTS ON BEHALF OF APPLICANT:

5. 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 six hours and there is no explanation of the said delay caused.

6. There are general and omnibus allegations against all the accused persons including the applicant.

7. There are three injured persons of which two injured persons have assigned the role of assault to the applicant and co-accused person Raju Paswan, but otherwise the third injured person had assigned general and omnibus allegations against all the accused persons.

8. There is cross-version to the instant case as two persons from the side of applicant, namely, Indresh and Kartik, have also sustained injuries in the incident and there is no explanation of the injuries sustained by them.

9. There is no criminal antecedent of the applicant. The applicant is languishing in jail since 12.10.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/OPPOSITE PARTY:

10. The bail application has been vehemently opposed on the ground that the said injuries sustained by two persons from the side of applicant have been manufactured as the said medical examination was conducted in the evening on 12.10.2025, i.e. one day after the incident, as such, the said injuries cannot be taken into consideration.

11. The applicant is one of the main accused persons who had caused injuries to the deceased person. The said fact stands fortified from the statements of injured persons Sonu and Monu.

12. The two eye-witnesses, namely, Parminder Singh and Anand Singh have also nominated the applicant and co-accused person Raju Paswan to be the persons, who had assaulted the deceased person and committed his murder.

13. The deceased person had 39 stitches on his cranium, as such, it is a matter of serious in nature.

CONCLUSION:

14. 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.

15. 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.***

16. 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*".

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

18. 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 two persons from the side of applicant, namely, Indresh and Kartik have also sustained injuries in the said incident, 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***.

19. Let the applicant- **Amarjeet Vishwakarma**, 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.

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

21. 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