



2026:AHC:14829

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2115 of 2026

Ashutosh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sanjeev Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sanjeev Kumar Singh, learned counsel for the applicant, Sri Omar Zamin, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 463 of 2025, under Sections 103(1), 190, 191(2), 191(3) BNS, Police Station Gagaha, District Gorakhpur, during the pendency of trial.
4. The FIR was instituted by the informant on 18.8.2025 at about 1.00 am that her father has been put to death by some unknown persons in the night of 15/16.8.2025.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about two days and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further argued that the CCTV footage were garnered from the spot but the presence of the applicant is missing in the said footage. The eye-witness was fetched later on, namely, Chandrajeet Yadav and he has nominated the applicant to be one of the assailants and he has nominated seventeen persons in all alongwith some

unknown persons. There are general and omnibus allegations against all the accused persons nominated by the eye-witness Chandrajeet Yadav and no overt act has been assigned to any person, whatsoever.

7. There is no criminal history of the applicant. The applicant is languishing in jail since 18.8.2025 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 A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

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 FIR and that there are general and omnibus allegations against all the accused persons nominated by the eye-witness and that the applicant is missing in the CCTV footage 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- **Ashutosh Kumar**, 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.

January 21, 2026
Shalini

(Krishan Pahal,J.)