



2026:AHC:1198

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 38712 of 2025

Prem Chand Patel And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Vijay Kumar Pandey
Counsel for Opposite Party(s)	: G.A., Ganesh Shanker Srivastava, Ravi Shankar Kanojiya

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Vijay Kumar Pandey, learned counsel for the applicants and Sri Ashwani Kumar Srivastava, Advocate holding brief of Sri Ganesh Shanker Srivastava, learned counsel for the informant as well as Sri Deepak Kumar Singh, learned A.G.A. for the State and also perused the material placed on record.
3. Applicants seek bail in Case Crime No. 241 of 2025, under Sections 191(2), 191(3), 103(1), 3(5), 115(2), 351(2), 352, 109(1) of BNS, Police Station - Sujanganj, District - Jaunpur, during the pendency of trial.
4. Learned counsel for the applicants has argued that the applicants have been falsely implicated in the present case out of vengeance. They have nothing to do with the said offence as alleged in the FIR. They are not named in the FIR. Their names have come up subsequently in the statement of the informant as an afterthought.
5. Learned counsel has next contended that there is no criminal history of the applicants. The applicants are languishing in jail since 3.9.2025 and they are ready to cooperate with trial. In case, the applicants are released on bail, they will not misuse the liberty of bail.
6. Per contra, learned AGA and learned counsel for the informant have vehemently opposed the bail application on the ground that the said application which is the basis of FIR is vague as the informant did not sign

the said application rather he had given an application before the S.P. Jaunpur stating that the applicants were involved in the commissioning of offence and he himself had nominated them in the original FIR. It is also argued that there is a recovery of an axe and lathi at the pointing out of the applicant no.2. However, they could not dispute the fact that the applicants have no criminal history.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties and also considering the fact that the applicants are not named in the FIR and their names have come up subsequently, *prima facie*, I find it a fit case to release the applicants on bail. The bail application is **allowed**.

8. Let the applicants- **Prem Chand Patel** and **Sonu Patel**, who are involved in aforementioned case crime be released on bail on their 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 applicants will not tamper with the evidence during trial.
- ii) The applicants will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicants will appear before the trial court on the date fixed.

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

10. 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.

11. It is made clear that observations made in granting bail to the applicants shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

January 6, 2026
Siddhant

(Krishan Pahal,J.)