



2026:AHC:66056

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10631 of
2026

Neeraj @ Gopal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ankit Katiyar, Swati Agrawal
Srivastava

Counsel for Opposite Party(s) : G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party.
2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 107 of 2021, under Section 304 I.P.C., Police Station Sikandara, District Kanpur Dehat during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 04.05.2025. The first information report was lodged on 08.05.2025. The delay is fatal to the prosecution case. As per the first information report, the applicant along with two co-accused is alleged to have assaulted the son of the informant. The son of the informant succumbed to the injuries during the course of treatment. As per the postmortem report, the injured sustained five injuries. Injury no. 1 was on the head, whereas other injuries were on the other part of the body. As per the postmortem report, the cause of death is coma due to ante mortem head injury. The doctor also recorded that "*May be suspected poisoning hence viscera preserved*". Learned counsel for the applicant further contends that a vague and general role

has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused injury on the head of the deceased. It is next contended that identically placed co-accused Smt. Kajal @ Jyoti and Kiran Devi @ Kiran have been granted bail by this Court vide orders dated 14.02.2022 and 27.08.2025 passed in Criminal Misc. Bail Application Nos. 45966 of 2021, Smt. Kajal @ Jyoti v. State of U.P., and 17808 of 2025, Kiran Devi alias Kiran v. State of U.P. The applicant claims parity. The applicant is in jail since 17.03.2025 having no criminal history and if he is released on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused injury on the head of the deceased. Identically placed co-accused Smt. Kajal @ Jyoti and Kiran Devi @ Kiran have been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than one year and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Neeraj @ Gopal, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 30, 2026
SKT/-

(Vivek Varma,J.)