



2026:AHC:65983

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10710 of 2026

Mukesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Diwakar Shukla
Counsel for Opposite Party(s)	:	G.A., Shyam Sunder Mishra

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Diwakar Shukla, learned counsel for the applicant, Sri Shyam Sunder Mishra, learned counsel for the first informant and Sri Ram Kumar Verma, learned A.G.A. for the State and perused the record.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 202 of 2025, under Sections 190, 191(2), 191(3), 352, 351(3), 109(1), 103(1) and 61(2)Ka BNSS, Police Station- Khaga, District Fatehpur.

3. Contention of learned counsel for the applicant is that as per prosecution story, the applicant along with three named and one unknown persons stopped the deceased as well as injured and started beating them with iron and wooden rod which resulted into serious injuries to the deceased as well as injured Abhishek and thereafter deceased Lavlesh succumbed to injury. It is further submitted that in the statement of injured Abhishek though general allegation has been made against the applicant that he along with other co-accused persons had beaten the deceased as well as to him. However, the other eye witness Achchey Miyan and Sahabuddin as well as Chandrapal Lodhi did not name the applicant on the ground that all the attackers were masked therefore he could not identify. However, one of the eye witness Brijesh Lodhi named the applicant along with other co-accused persons. It is further submitted that there is no recovery of any weapon from the applicant and the same has been recovered from co-accused Vimal and Bhupendra. It is further submitted that there is no incriminating material against the applicant and co-accused Vimal Kumar has already been granted bail by this Court in Criminal Misc. Bail Application No.10505 of 2026 vide order dated 28.03.2026. Therefore, the applicant is entitled to be released on bail on the ground of parity. He further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has explained the criminal history of one case in the accompanying affidavit and he is languishing in jail since 18.06.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned counsel for the first informant and learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** and without expressing any opinion 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- **Mukesh Kumar** involved in the aforementioned 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, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the

Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

March 30, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)