



2026:AHC:63008

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6047 of 2026

Ashok Kumar Gupta

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pushpraj Sahu, Vinay Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard Shri Vinay Kumar, learned counsel for the applicant, and Shri B.P. Maurya, learned AGA for the State-respondents and perused the record.
3. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant, with a prayer to release him on bail in Case Crime No. 714 of 2024, under Sections 109, 351(2) of B.N.S. and Section 4/25 of Arms Act, registered at Police Station Handia, District Prayagraj, during pendency of the trial.
4. It has been submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case due to ulterior motive. It is further submitted that though the applicant has been assigned the specific role of assault by sharp edged weapon (Banka), however, the injured has stated in his statement recorded under Section 180 BNSS that the applicant has assaulted him on his neck by sharp-edged weapon several times. It is further submitted that there material contradictions in the medical report and the statement of the injured recorded under sections 180 BNSS. It is further submitted that the applicant is languishing in jail since 07.01.2025 and the trial of the case is not likely to conclude in the near future and only examination-in-chief of witness has been completed so far. It is further submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no

likelihood of any early conclusion of trial.

5. Per contra learned A.G.A. has opposed the prayer for bail of the applicant.

6. Though the applicant has been assigned the specific role of assault by sharp edged weapon (Banka), however, the injured has stated in his statement recorded under Section 180 BNSS that the applicant has assaulted him on his neck by sharp-edged weapon several times. It is further submitted that there material contradictions in the medical report and the statement of the injured recorded under sections 180 BNSS. It is further submitted that the applicant is languishing in jail since 07.01.2025 and the trial of the case is not likely to conclude in the near future and only examination-in-chief of witness has been completed so far.

7. Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is allowed.

8. In the event of arrest of the applicant- **Ashok Kumar Gupta** involved in the aforesaid case crime shall be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned :-

(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 not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date

fixed, either personally or through his counsel.

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

10. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

March 26, 2026

RKM