



2026:AHC:53875

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8881 of 2026

Priyanshu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pavan Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Supplementary affidavit filed, today in Court, on behalf of the applicant is taken on record.
2. Heard learned counsel for the applicant, Sri S.N. Rai, learned AGA for the State-respondents and perused the record.
3. This bail application has been moved on behalf of accused-applicant Priyanshu seeking enlargement on bail in Case Crime No.356 of 2025 under Sections 3(5), 115(2), 352, 351(2), 109 and 125 BNS, P.S.- Haldharpur, District- Mau, during pendency of trial.
4. Tersely, as per allegation contained in the FIR six accused persons including the applicant have caused injury to the injured by hard and blunt object (Lathi, Danda and Rod) and by pieces of brick due to which the injured has sustained grievous injury in this incident.
5. Learned counsel for the applicant submits that the accused-applicant has not committed any offence as alleged in the FIR and has been falsely implicated in this case. Applicant is languishing in jail since 28.11.2025. It is submitted that though applicant is named in the FIR but no separate and distinct role has been assigned to the applicant regarding causing injury to the injured either in the FIR or in the statement of injured. It is further submitted that the injured in his statement recorded under Section 180 B.N.S.S. has assigned common and general role regarding causing injury with pieces of brick on the head to all the accused persons but he has stated that applicant, co-accused Himanshu, Priyanshu were talking among

themselves that the injured should be done to death and no separate and distinct role has been assigned to the applicant. It is argued that as per the medical report available on record the injured has sustained grievous injury/fractures etc but no separate and distinct role has been assigned to the applicant. It is further argued that co-accused Himanshu, Piyush having similar role have already been enlarged on bail by this court vide orders dated 12.02.2026, 12.3.2026 passed in Criminal Misc. Bail Application Nos.2276 of 2026, 7481 of 2026 respectively and parity is sought in the matter. It is next argued that applicant has criminal history of one case which has been explained in para 2 of the supplementary affidavit filed on behalf of the applicant. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant and submits that the applicant alongwith co-accused persons has caused grievous injury to the injured Brijesh Kumar in furtherance of common object to all and fractures were also found on the vital part of his body (head). It is submitted that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. It is further submitted that, in case the applicant is released on bail, he may again indulge in similar activities and misuse the liberty of bail.

7. Having considered the submissions of the parties noted above as also the fact that though applicant is named in the FIR but no separate and distinct role has been assigned to the applicant regarding causing injury to the injured either in the FIR or in the statement of injured, injured in his statement recorded under Section 180 B.N.S.S. has assigned common and general role regarding causing injury with pieces of brick on the head to all the accused persons but he has stated that applicant, co-accused Himanshu, Priyanshu were talking among themselves that the injured should be done to death and no separate and distinct role has been assigned to the applicant, as per the medical report available on record the injured has sustained grievous injury/fractures etc but no separate and distinct role has been assigned to the applicant, co-accused Himanshu, Piyush having similar role have already been enlarged on bail, charge-sheet has already been submitted on 3.12.2025, therefore, there is no reasonable possibility of intimidating or pressurizing the prosecution witnesses, keeping in view the uncertainty

regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of **Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677**, dictum of Apex Court in **Union of India vs. K.A. Najeeb (2021) 3 SCC 713 & Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) 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 Court.
- (iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.
- (iv) 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 of accused personally to explain circumstances appearing in the evidence against him.
- (v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly, in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

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

March 17, 2026
RA

(Santosh Rai,J.)