



2026:AHC:55152

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5828 of 2026

Akash

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Dubey, Chandra Bhan Dubey
Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. The instant bail application has been nominated to this Bench by Hon'ble the Chief Justice vide order dated 25.02.2026.
2. Heard Sri Chandra Bhan Dubey, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.212 of 2025, under Sections 115(2), 103(1), 3(5) BNS, Police Station Khekada, District Baghpat, during pendency of the trial.
4. FIR of the present case was lodged on 08.07.2025 against the applicant and his wife alongwith two others. According to the FIR, applicant alongwith his wife used to torture his parents and on 07.07.2025 at about 09.15 PM in the evening when informant who is his sister alongwith her husband and parents reached at the house of applicant then he alongwith his other family members started quarreling with his parents and when husband of the informant interfered then applicant alongwith other co-accused badly beaten him due to which he sustained injuries and died.
5. Learned counsel for the applicant submits, applicant is brother of the informant and on the basis of false allegation he has been made accused in the present matter alongwith co-accused Nidhi who is wife of the applicant.

6. He further argued, only general allegation has been levelled against all the accused and no weapon has been assigned and however from the postmortem report it reflects, deceased sustained five injuries but it appears, he died due to hemorrhagic shock as a result of injury no.1 and therefore even from the postmortem report of deceased it could not be reflected, applicant and other accused were having any intention to cause death of the deceased.

7. He next argued, even subsequently informant of the case i.e. sister of the applicant realized her fault and she is even deponent of the present case and this fact clearly suggests, applicant is innocent. He further argued, other named accused namely Vijay, Ankita and Nidhi have been released on bail by co-ordinate Bench of this Court and their bail orders have been annexed alongwith the instant bail application and as far as allegation of assault is concerned case of the applicant is at par with them.

8. He further submits, applicant is not having any previous criminal history and in the present matter he is in jail since 09.07.2025 i.e. for last more than eight months.

9. Per contra, learned AGA however opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

10. I have heard learned counsel for the parties and perused the record of the case.

11. However, as per allegation when applicant alongwith others was quarreling with his parents then informant who was sister of the applicant alongwith her husband interfered and thereafter applicant and others made assault due to which husband of the informant died but it reflects only general role has been assigned to all the accused persons and except applicant all other accused persons have been released on bail and as far as allegation of assault are concerned case of applicant is at par with them.

12. Further, considering the postmortem report the argument advanced by learned counsel for the applicant that it could not be reflected that

applicant and other accused were having any intention to cause death of the deceased cannot be ruled out at this stage. Further, even informant of the case i.e. sister of the applicant is deponent of the case and applicant is not having any criminal history and in the present matter he is in jail since 09.07.2025 i.e. for last more than eight months.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

14. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

15. Let the applicant - **Akash** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

16. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

March 18, 2026
Shahroz