



2026:AHC:60356

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8736 of 2026

Padohi And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Richesh Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Sri Pramod Kumar Maurya, learned counsel for the first informant has filed his Vakalatnama on behalf of the first informant, which is taken on record.
2. Heard Sri Richesh Mishra, learned counsel for the applicant, Sri Pramod Kumar Maurya, learned counsel for the first informant and Sri Rakesh Kumar Mishra, learned A.G.A. for the State.
3. Instant bail application has been filed with a prayer to release the applicants on bail during the trial in Case Crime No. 376 of 2025, under Sections 103(2), 191(2), 191(3), 190, 115(2), 352 BNS, Police Station-Belipar, District Gorakhpur.
4. As per prosecution story, the applicant along with co-accused came into the house of the first informant and started beating her husband. During that incident co-accused Vijayanand attacked upon the deceased (husband of the first informant) with axe, as a result of which, he fell down and subsequently died.
5. Contention of learned counsel for the applicants is that though there is allegation that all the three accused persons had beaten the deceased but post mortem report of the deceased shows that he received only one injury of sharp edged weapon (axe), therefore specific role has been assigned to the co-accused Vijayanand for causing deadly injury. It is further submitted that there is no other injury on the person of the deceased therefore the applicants have been falsely implicated though there is no incriminating material

against them. He further submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicants have explained the criminal history of one case which is petty in nature and they are languishing in jail since 01.12.2025. In case, they are granted bail, they will not misuse the liberty of bail and would cooperate in the trial proceedings.

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

7. 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.

8. Let the applicants- **Padohi and Laldhar** involved in the aforementioned crime be released on bail, on their 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 applicants 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 applicants shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicants shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicants shall attend in accordance with the conditions of the bond executed by him.

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

cancellation of bail.

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

10. It is made clear that the applicants 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.

11. 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 applicants.

12. Office is directed to send a copy of this order to the applicants 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 24, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)