



2026:AHC:7501

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 25631 of 2025

Vishal Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ganesh Kumar Verma, Jayant Rai,
Rupesh Kumar Singh
Counsel for Opposite Party(s) : G.A., Sanjeev Kumar Tripathi, Saroja
Harijan

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Counter affidavit filed by learned counsel for the informant is taken on record.
2. Heard Sri Jayant Rai, learned counsel for the applicant, Sri Sanjeev Kumar Tripathi, learned counsel for the informant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.19 of 2025, under Sections 191(2), 115(2), 352, 103(1), 61(2) B.N.S., Police Station Khukhundu, District Deoria, during the pendency of trial.
4. As per prosecution story, the applicant alongwith 4 other named accused persons and some unknown persons are stated to have assaulted and caused grievous injuries to Dinesh, Tarkeshwar and Jai Prakash on 06.02.2025 at about 7:35 p.m., of which, two injured persons, namely, Dinesh and Tarkeshwar, succumbed to the injuries. Only the surviving injured person is Jai Prakash.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. There are general and omnibus allegations against all the accused persons including the applicant. No particular overt act has been assigned to the applicant. One person from the side of the applicant has also sustained injury i.e. the mother of the applicant and she was admitted at hospital, as such, at

this point of time it cannot be ascertained as to which party was the aggressor one.

6. Learned counsel for the applicant has further argued that the co-accused persons, who were not named in the FIR, have been enlarged on bail. There is no criminal history of the applicant. The applicant is languishing in jail since 08.02.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the cross FIR has been cooked up after legal consultation. The said FIR is 88 of 2025, which was instituted after a delay of about three months. The said FIR indicates that the injured person, mother of the applicant, was admitted at Deoria Medical College, while no document regarding her treatment at the said hospital has been appended, as such, the prosecution story as alleged in FIR No.88 of 2025 is false.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in institution of FIR and the fact that one person has sustained injury from the side of the applicant which goes unexplained, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Vishal Yadav**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

12. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of *Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220* and *Hussain and Another vs. Union of India; (2017) 5 SCC 702*, if there is no legal impediment.

(Krishan Pahal,J.)

January 12, 2026
(Ravi Kant)