



2026:AHC:9839

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31708 of 2025

Raj Nishad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Surendra Mohan Mishra, Yatindra
Kumar Dubey

Counsel for Opposite Party(s) : G.A., Kundan Mishra, Vishveshwar
Mani Tripathi

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Surendra Mohan Mishra, learned counsel for the applicant, Sri Kundan Mishra, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 218 of 2025, under Sections 191(2), 191(3), 115(2), 117(2), 103(1) BNS, Police Station Rudrapur, District Deoria, during the pendency of trial.
4. As per prosecution story, the applicant alongwith co-accused person Ratandeep Nishad and one unknown person is stated to have assaulted and caused injuries to the son of the informant on 13.6.2025 at about 5.00 pm causing grievous injuries to him.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about more than one day and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further argued that there are general and omnibus allegations against all the accused persons even in the statement of the injured who succumbed to the injuries later on. There is

one eye-witness produced by the prosecution subsequently, i.e. Bobby Deol, who has also allayed general allegations against all the accused persons. No particular overt act has been assigned to the applicant.

7. Learned counsel has placed reliance on the post-mortem report, whereby the injuries sustained by the deceased are on the limbs only, which are not on the vital parts of the body, as such, his death might have been caused due to the lack of proper treatment. Therefore, the applicant is entitled for bail.

8. Learned counsel has further stated that even the video of the statement of the deceased were recorded whereby he has not nominated the applicant in the incident. Rather, he has allayed few accused persons named in the FIR. There is no criminal history of the applicant. The applicant is languishing in jail since 25.6.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

9. Learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that there is a viral video of the incident in which the applicant is seen assaulting the deceased alongwith the co-accused persons. The blows given by the two accused persons were more than thirty in all, as such, the post-mortem report is fake.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the injuries sustained by the deceased, there being delay of more than one day in lodging the FIR and there being general and omnibus allegations against all the accused persons 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**.

11. Let the applicant- **Raj Nishad**, 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.

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

13. 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.

(Krishan Pahal,J.)

January 14, 2026

Shalini