



2026:AHC:60316

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10003 of 2026

Deepak

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sudhanshu Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri N.K.Sharma, learned AGA for the State-respondent.
2. The present bail application under Section 483 BNSS has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 430 of 2025, under Sections 105, 115(2) BNS, Police Station Baberu, District Banda during the pendency of trial.
3. Counsel for the applicant submits that the applicant is the real brother of the deceased and has been falsely implicated in the present case. As per the first information report and the statement of the informant under Section 180 BNSS, the applicant along with three others is alleged to have assaulted the deceased by *Lathi and Danda*. As per the postmortem report, the cause of death is head injury. It is contended that no prior enmity existed between the parties. The incident occurred at the spur of moment on account of sudden provocation, and not with premeditated intention to commit murder. In the alleged incident, the applicant and co-accused Smt. Raj Kumari and Bhola Prasad also received injuries. The applicant and two other accused were medically examined at Community Health Centre Babura, Banda. It is contended that the prosecution has failed to explain the injuries

sustained by the accused side, which creates a serious doubt on the veracity of the prosecution story. The presence of injuries on the accused persons clearly indicates that it was a case of sudden quarrel between both sides. The injuries of the applicant and two other co-accused are collectively annexed as Annexure-8 to the affidavit. Vague and general role has been assigned to the applicant. Further at this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 10.10.2025 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that as per the first information report and the statement of the informant under Section 180 BNSS, the applicant along with three others is alleged to have assaulted the deceased by *Lathi and Danda*. As per the postmortem report, the cause of death is head injury. In the alleged incident the applicant and co-accused Smt. Raj Kumari and Bhola Prasad also received injuries. The prosecution has failed to explain the injuries sustained by the accused side, which creates a serious doubt on the veracity of the prosecution story. The presence of injuries on the accused persons clearly indicates that it was a case of sudden quarrel between both sides. Vague and general role has been assigned to the applicant. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than five months and after submission of charge sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Deepak**, involved in the aforesaid case 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 the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 24, 2026

Lbm/-

(Vivek Varma,J.)