



2026:AHC:53784

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9024 of 2026

Ayyub @ Budhiya Wala

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rahul Kumar Pal, Rahul Saxena
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66
(Sl. No. 17 out of 121)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Rahul Saxena, learned counsel for the applicant, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 94 of 2025, under Sections 191(2), 191(3), 333, 190, 351(3), 103(1), 352 BNS, Police Station Railway Road, District Meerut, during the pendency of trial.
4. As per prosecution story, two parties had entered into an altercation over the falling of a speaker during entertainment programme in Madarsa on 15.8.2025. Subsequent to it, the applicant and other co-accused persons are stated to have barged into the house of the informant and had assaulted his brother-in-law Abdul, with chairs and iron rod causing 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 seven hours 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 in the FIR but subsequently, in the statement of the informant, the role of the applicant has been assigned to that of inflicting the injury with an iron rod (saria) while the

co-accused person has been assigned the role of having hit the deceased with chair, as an afterthought.

7. Learned counsel has further stated that even the statement of the Constable 2395 Rohit Kumar indicates that injured has reached the police station but refused to institute an FIR and has only stated that he shall do so after discussing it with his relatives, as such, it is a clear-cut case of false implication. The case does not go beyond the culpable homicide not amounting to murder.

8. There is no criminal history of the applicant. The applicant is languishing in jail since 16.8.2025 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. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

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 statement of the constable and also there being general and omnibus allegations against all the accused persons in the FIR, coupled by the fact that post-mortem report indicates only one injury on the cranium of the deceased, 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- **Ayyub @ Budhiya Wala**, 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.)

March 17, 2026

Shalini