



2026:AHC:65915

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5541 of 2026

Kuldeep

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Atul Kumar Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Firdosh Ahmad, holding brief of Sri Atul Kumar Yadav, learned counsel for the applicant and Sri B.P Singh, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 0115 of 2025, under Section 109(1) BNS and Sections 3, 25, 27 Arms Act, registered at Police Station Chaubiya, District Etawah, during pendency of the trial.

3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. It is further submitted that one country made pistol and some live and empty cartridges have been recovered from the possession of the applicant and he has opened fire on the police personnel and one of the bullets grazed the palm of one of the police officer, however, no injury report has been made available on the record. It is also submitted that the applicant, who has been languishing in jail since 9.7.2025 undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. On the other hand, learned A.G.A. has opposed the prayer for grant of bail to the applicant and it is submitted that the applicant is having criminal history of 23 cases which have not been explained by him.

5. In reply, learned counsel for the applicant submits that the applicant has been languishing in jail since 9.7.2025 and he has explained criminal history in paragraph 12 of the memo of application in which he is on bail in all the cases and he has annexed some bail orders along with application and he could not obtain all the bail orders, therefore, he could not annex all the bail orders.

6. One police personnel is said to have received fire arm injury on his palm, however, no medical report is on the record. The applicant has been languishing in jail since 9.7.2025. The applicant is having criminal history of 23 cases which has been explained in paragraph 12 of the memo of application and some of bail orders have been annexed along with memo of application. One country made pistol and some live and empty cartridges have been recovered from the possession of the applicant.

7. Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **ALLOWED**.

8. Let the applicant- **Kuldeep** involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The applicant 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 applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

10. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

March 30, 2026
Abhishek